

No. 28.

[ISSUED THURSDAY, 12TH AUGUST, 1920.]

828.94

Au7pa1



COMMONWEALTH OF AUSTRALIA.

Parliament

PARLIAMENTARY DEBATES.

FIRST SESSION, 1920.

CONTENTS.

SENATE, 6 AUGUST.

PAGE

War Gratuity Bonds : Use for Purchase of Land	3344
Northern Territory : Report of Ewing Commission	3344
Lieutenants Parer and McIntosh.—Recognition of Flight : England to Australia	3344
Arbitration (Public Service) Bill	3344
Public Service Bill.—Second Reading	3354
Supply Bill (No. 2) 1920-21	3367
Papers	3367
Adjournment.—Order of Business—Wool Contracts	3367

HOUSE OF REPRESENTATIVES, 6 AUGUST.

Output of Coal	3368
Sugar Refining	3368
Postal Union Conference	3368
Butter Famine in New South Wales	3368
Subscriptions to Loans	3368
Wealth Census	3369
Trade and Customs Department Deputations	3369
Parliamentary Officials	3369
Navy.—Royal Australian Navy Ratings—First Lower Deck Welfare Joint Conference—Grand Fleet Fund—Badges, Royal Australian Naval Brigade	3369
Extra Sitting Days	3370
Price of Sugar	3370
Military Bands	3370
War Service Homes	3370
Soldiers' Graves in Australia	3371
Federal Capital	3371
Paper	3371
Conciliation and Arbitration Bill	3371, 3374
Dissent from Ruling	3371
Industrial Peace Bill.—Second Reading	3374
Supply Bill (No. 2) 1920-21	3398
Australian Trade Commissioners	3398
Paper	3398
Adjournment.—Medical Emergency Outfit	3398

PRICE, including Postage, 2s. 6d. per annum, or 2d. per number. Subscriptions should be sent to the Government Printer, Melbourne.

Dup.
U. of C.
Oh.

EIGHTH PARLIAMENT.

FIRST SESSION.

Governor-General.

His Excellency the Right Honorable Sir RONALD CRAUFORD MUNRO FERGUSON, a Member of His Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, and Commander-in-Chief in and over the Commonwealth of Australia.

Australian National Government.

(From 10th January, 1918.)

Prime Minister and Attorney-General	..	The Right Honorable William Morris Hughes, P.C., K.C.
Minister for the Navy	..	The Right Honorable Sir Joseph Cook, P.C., G.C.M.G.
		<i>Succeeded by</i>
		The Honorable W. H. Laird Smith (28th July, 1920).
Treasurer	..	The Right Honorable Lord Forrest, P.C., G.C.M.G.
		<i>Succeeded by</i>
		The Right Honorable William Alexander Watt, P.C. (27th March, 1918.)††††
		<i>Succeeded by</i>
Minister for Defence	..	The Right Honorable Sir Joseph Cook, P.C., G.C.M.G. (28th July, 1920).
Minister for Repatriation ..	..	The Honorable George Foster Pearce.
Minister for Works and Railways	..	The Honorable Edward Davis Millen.
		The Right Honorable William Alexander Watt, P.C.
		<i>Succeeded by</i>
Minister for Home and Territories	..	The Honorable Littleton Ernest Groom (27th March, 1918).
		The Honorable Patrick McMahon Glynn K.C. †††
		<i>Succeeded by</i>
Minister for Trade and Customs ..	..	The Honorable Alexander Poynton (4th February, 1920).
		The Honorable Jens August Jensen.†
		<i>Succeeded by</i>
		The Right Honorable William Alexander Watt, P.C. (13th December, 1918).
		<i>Succeeded by</i>
Postmaster-General	..	The Honorable Walter Massy Greene (17th January, 1919).
		The Honorable William Webster. †††
		<i>Succeeded by</i>
Vice-President of the Executive Council	..	The Honorable George Henry Wise (4th February, 1920).
		The Honorable Littleton Ernest Groom.
		<i>Succeeded by</i>
Honorary Minister	..	The Honorable Edward John Russell (27th March, 1918).
		The Honorable Edward John Russell.
Honorary Minister	..	Appointed Vice-President of the Executive Council, 27th March, 1918.
		The Honorable Alexander Poynton.
Honorary Minister	..	Appointed Minister for Home and Territories, 4th February, 1920.
		The Honorable George Henry Wise.
Honorary Minister	..	Appointed Postmaster-General, 4th February, 1920.
		The Honorable Walter Massy Greene.
Honorary Minister	..	Appointed Minister for Trade and Customs, 17th January, 1919.*
Honorary Minister	..	The Honorable Richard Beaumont Orchard**
Honorary Minister	..	The Honorable Sir Granville de Laune Ryrie, K.C.M.G., C.B., V.D. ††
Honorary Minister	..	The Honorable William Henry Laird Smith.††
		Appointed Minister for the Navy, 28th July, 1920.
Honorary Minister	..	The Honorable Arthur Stanislaus Rodgers.**

* Appointed 26th March, 1918.—† Removed from office, 13th December, 1918.—** Resigned office, 31st January, 1919.—†† Appointed 4th February, 1920.—††† Resigned 3rd February, 1920.—†††† Resignation from office gazetted, 15th June, 1920.—*** Appointed 28th July, 1920.

Senators.

(From 1st July, 1920.)

President—Senator the Honorable Thomas Givens.

Chairman of Committees—Senator Thomas Jerome Kingston Bakhap.

*Adamson, Hon. John, C.B.E. (Q.)	*Jasgow, Sir Thomas William, K.C.B., C.M.G., D.S.O. (Q.)
Bakhap, Thomas Jerome Kingston (T.)	*Guthrie, James Francis (V.)
*Benny, Benjamin (S.A.)	Guthrie, Robert Storrie (S.A.)
Bolton, William Kinsey, C.B.E., V.D. (V.)	Henderson, George (W.A.)
³ Buzacott, Richard (W.A.)	Keating, Hon. John Henry (T.)
*Cox, Charles Frederick, C.B., C.M.G. (N.S.W.)	*Lynch, Hon. Patrick Joseph (W.A.)
Crawford, Thomas William (Q.)	Millen, Hon. Edward Davis (N.S.W.)
De Largie, Hon. Hugh (W.A.)	*Millen, John Dunlop (T.)
*Drake-Brockman, Edmund Alfred, C.B., C.M.G., D.S.O. (W.A.)	*Newland, John (S.A.)
*Duncan, Walter Leslie (N.S.W.)	*Payne, Hon. Herbert James Mockford (T.)
Earle, Hon. John (T.)	² Pearce, Hon. George Foster (W.A.)
*Elliott, Harold Edward, C.B., C.M.G., D.S.O., D.C.M. (V.)	¹ Plain, William (V.)
Fairbairn, George (V.)	Pratten, Herbert Edward (N.S.W.)
Foll, Hattil Spencer (Q.)	Reid, Matthew (Q.)
² Foster, George Matthew (T.)	¹ Rowell, James, C.B. (S.A.)
*Gardiner, Hon. Albert (N.S.W.)	*Russell, Hon. Edward John (V.)
*Givens, Hon. Thomas (Q.)	Senior, William (S.A.)
	Thomas, Hon. Josiah (N.S.W.)
	*Wilson, Reginald Victor (S.A.)

1. Appointed Temporary Chairman of Committees, 21st July, 1920. 2. Elected 13th December, 1919. Sworn 21st July, 1920. 3. Appointed Temporary Chairman of Committees, 26th February, 1920. * Elected 13th December, 1919. Sworn, 1st July, 1920.

1905
H2

Mr. DEPUTY SPEAKER.—The honorable member must not discuss that matter; it has already been decided by the House.

Mr. PARKER MOLONEY.—Having said it, I withdraw it. The measure is a sham, pretending to give something when, as a matter of fact, it gives nothing. Judging by his own remarks, the Prime Minister has lost no opportunity of ascertaining the views of those opposed to labour, and in this, as in other matters, I believe it is his principal concern to do that which is agreeable to the forces that keep him in power, while at the same time giving very little opportunity to organized labour to put forward their point of view. I agree with one thing which the honorable member for Swan (Mr. Prowse) has said this evening. The honorable member spoke as one representing a country constituency, and told us of the wheat he grows; but I remind him that there are honorable members on this side of the House who are just as capable of speaking for those who grow wheat, and who possibly grow quite as good wheat as that grown by the honorable member.

Mr. PROWSE.—I thought that the honorable member was going to leave me alone for a while.

Mr. PARKER MOLONEY.—I hold the belief that where the interests of any section of the community are concerned all other sections should have due notice of what is proposed, so that they may put forward their views.

Mr. PROWSE.—Then why does the honorable member object to my putting forward my views?

Mr. PARKER MOLONEY.—I do not object to the honorable member putting forward his views, but to-night he put them forward in the form of a lecture to honorable members on this side of the House. There are here men quite as capable of speaking for the primary producers as is any honorable member sitting in the Corner. Furthermore, let me add that if honorable members in the Corner continue to vote and speak as they have been doing since they have come into this Parliament, they will not convince many producers outside that they have their interests at heart.

Mr. DEPUTY SPEAKER.—Order! The honorable member must address himself to the Bill.

Mr. PARKER MOLONEY.—I come now to another aspect of this matter. The honorable member for Dampier (Mr. Gregory) and the honorable member for Eden-Monaro (Mr. Austin Chapman) are never tired of alluding to the go-slow policy of the workers.

Mr. PROWSE.—Why does not the honorable member speak to the Bill?

Mr. PARKER MOLONEY.—I presume that those honorable members were speaking to the Bill when they made these remarks, or Mr. Deputy Speaker would have pulled them up.

Mr. DEPUTY SPEAKER.—I call upon the honorable member for Macquarie (Mr. Nicholls) to withdraw the remark that the Deputy Speaker never agrees to anything unless it is on the Government side, and I ask him also to apologize to the House for having made use of that remark.

Mr. NICHOLLS.—I withdraw the remark, but I do not see the necessity for apologizing.

Mr. DEPUTY SPEAKER.—The honorable member must obey the Chair. Does he intend to conform to the rules of the House?

Mr. NICHOLLS.—Yes. I do not wish to be heaved out.

Mr. PARKER MOLONEY.—I was about to reply to the remarks of the honorable members for Dampier and Eden-Monaro. I did not hear the latter honorable member speaking; but according to the report of his speech in the newspapers, he seemed to attribute all the industrial unrest in this country to the go-slow policy of the workmen. To a charge of that character, one whose duty it is to have regard for the interests of the workmen of this country cannot turn a deaf ear. These honorable members who talk about the go-slow policy of the workers have not a word to say about the go-slow policy of those who have sent them here.

Mr. DEPUTY SPEAKER.—Again I ask the honorable member to address himself to the Bill. Allusion to such matters can only lead to disorder.

Mr. PARKER MOLONEY.—I am replying to statements made by honorable members in dealing with the Bill. They have said that the industrial unrest in this country is largely due to the go-slow policy of the workmen; and if their remarks were in order, I am in order in replying to them.

Mr. DEPUTY SPEAKER.—The honorable member was not called to order for replying to statements made by other honorable members; but he is not in order in going beyond the scope of the Bill.

Mr. PARKER MOLONEY.—I accept your apology, sir.

Mr. DEPUTY SPEAKER.—I am making no apology. While I have the honour to occupy this position, I shall carry out the duties attaching to it fairly and impartially, but shall brook no insults from either side of the House. I ask honorable members to be more respectful to the Chair, and they will find that it will protect their interests. They are only lowering the dignity of the House when honorable members seek to evade the rulings of the Chair. As a matter of fact, I have allowed more latitude during this discussion than I should have given, but I have done so in order that the fullest debate might be permitted.

Mr. PARKER MOLONEY.—I am glad to have that assurance from the Chair. It is remarkable that honorable members who talk about the go-slow policy of the workers, which I absolutely challenge, shut their eyes to the go-slow policy of those who sent them here. Evidence was given before the Fair Profits Commission of Victoria on the 19th July by Mr. Zwar, the managing director of a large tannery carrying on business at Preston and in other parts of Victoria, and he is reported to have said—

The price of leather is regulated by the cost of replacement. That is to say, in fixing the price of a pair of boots, consideration would be given to the cost of replacing it.

On the top of that definite statement, he went on to say—

There has been a terrific fall in the price of leather.

Yet, later on, he pointed out that the leading boot factories of Melbourne, because of the over-supply of leather, were working only about two and a-half days in each week. In other words, because the men engaged in the boot trade had been giving effect to what the Prime Minister has urged—that is to say, they had been “producing, producing, and producing,” which, the right honorable gentleman says, alone will bring about the salvation of the world—an over-supply of boots has resulted. Are we

getting boots any cheaper? No. But because of this over-supply, brought about by the men who have accepted the advice of the Prime Minister to “produce, produce, and produce,” they have been obliged to remain idle for about three days a week. Such is the go-slow policy practised by those who send here honorable members who support the Government; and, as a matter of fact, the real go-slow policy which is killing industry in this country, and causing industrial unrest by forcing up prices, is that which is adopted by the very people who are the opponents of organized labour.

Mr. JOWETT.—The honorable member does not suppose that Mr. Zwar really made that statement.

Mr. PARKER MOLONEY.—I have quoted the words of the managing director, who said that there has been a terrific fall in the price of leather. Both he and other witnesses affirmed that the price of commodities was regulated by the cost of their replacement, so that if there has been a terrific fall in the price of leather we ought to be able to purchase boots at a reasonable price to-day, although, as a matter of fact, we are unable to do so. Upon the other hand, our boot factories are closing down. They are adopting the “go-slow” policy.

Sir JOSEPH COOK.—What on earth has this to do with the principles of the Bill?

Mr. PARKER MOLONEY.—When the Treasurer was absent from the chamber the honorable member for Flinders (Mr. Bruce) stated that the principal cause of industrial unrest in Australia was the high cost of living. That was the only statement he made with which I agreed. I come now to my principal objections to the Bill. In the first place, it provides that tribunals shall be appointed consisting of three representatives of the two parties to any dispute, and a chairman who, in the event of the parties being unable to agree upon his selection, will be the nominee of the Government. This measure, therefore, offers no hope for the settlement of industrial disputes. I do not know that there is the slightest chance of getting three employees and three employers to agree upon the selection of a chairman. If they cannot do so, they will be obliged to accept as chairman the nominee of the Government. A

council thus constituted, is expected to effect the settlement of any industrial dispute which may arise. Its chairman will naturally take the side of the employers. There is nothing in the Bill to show whether the Government nominee will be on the council for an hour, a week, or a year. It is because we are hopelessly in the dark upon these matters that we require a longer time to consider the measure. The Government have really strangled the Bill in its infancy.

Mr. JOWETT.—Strangled it?

Mr. DEPUTY SPEAKER (Hon. J. M. Chanter).—I must ask the honorable member for Grampians to cease interjecting.

Mr. PARKER MOLONEY. — I am very glad that you, sir, have at last observed the honorable member. It has been stated by honorable members opposite that the party to which I belong have offered no panacea for industrial unrest in those States in which Labour has been in power. May I remind them that there was published in yesterday's newspapers a complete answer to that statement. I propose to show, upon the authority of the Commonwealth Statistician, Mr. Knibbs, that in the State in which a Labour Government has been in power for some time, there has been less industrial turmoil than has obtained elsewhere, for the simple reason that the cost of living has been cheaper and the purchasing power of the sovereign greater. According to Mr. Knibbs, the amounts necessary to purchase what would have cost £1 in the various State capitals in 1911 were as follows:—Sydney, in December, 1919, 33s. 1d.; June, 1920, 36s. 5d.; Melbourne, in December, 1919, 31s. 4d.; June, 1920, 35s. 2d.; Adelaide, in December, 1919, 30s. 8d.; June, 1920, 35s. 1d.; Perth, in December, 1919, 38s. 9d.; June, 1920, 33s. 1d.

Mr. DEPUTY SPEAKER.—Order! How does the honorable member intend to make these figures applicable to the Bill?

Mr. PARKER MOLONEY.—I am attempting to show that the cost of living influences industrial unrest. According to Mr. Knibbs, the amount necessary to purchase what would have cost £1 in 1911 in Hobart was 32s. 2d. in December, 1919, and 35s. 8d. in June, 1920. I come now to the one State of the Commonwealth in which a Labour Govern-

ment has been in power—I refer to Queensland. There the amount necessary to purchase what would have cost £1 in 1911 was 30s. 10d. in December, 1919, and 33s. in June, 1920.

Sir JOSEPH COOK.—That is due to the fact that a Nationalist Government had been in power there.

Mr. PARKER MOLONEY.—I know that when he is electioneering the Treasurer tells the electors quite the opposite. However, the figures which I have quoted are not mine but those of Mr. Knibbs, the Commonwealth Statistician.

Sir JOSEPH COOK.—The honorable member's data year is 1911, and for five years after that a Nationalist Government was in office in Queensland.

Mr. PARKER MOLONEY.—In the other States the Nationalists have been in power all the time, but the cost of living has not been reduced. In the one State in which Nationalists and Labourites have been in power, the cost of living has been cheaper than it has been in the States in which Nationalists have been in office all the time. Let us take the decrease in the purchasing power of the sovereign between December, 1919, and June, 1920. In Sydney that decrease was 3s. 4d.—there was a Labour Government in power in New South Wales during that time—in Melbourne it was 4s. 10d., in Adelaide 3s. 5d. and in Brisbane 2s. 2d. Both in Queensland and New South Wales during the past six months the cost of living has been reduced to a greater extent than it has been in any other State. I have no faith whatever in this measure. The only real remedy for industrial unrest is to abolish the cause of it by dealing with the profiteers of this country. The only way of doing that is to place upon the Treasury Benches a Labour Government similar to those which have done such effective work in some of the States.

Debate (on motion by Mr. Mahony) adjourned.

SUPPLY BILL (No. 2) 1920-21.

Bill returned from the Senate without request.

PAPER.

The following paper was presented:—

War Precautions Act.—Regulations amended
—Statutory Rules 1920, No. 119.

House adjourned at 10.28 p.m.

Senate.

Friday, 6 August, 1920.

The PRESIDENT (Senator the Hon. T. Givens) took the chair at 11 a.m., and read prayers.

WAR GRATUITY BONDS.

USE FOR PURCHASE OF LAND.

Senator WILSON (for Senator GARDNER) asked the Minister for Repatriation, *upon notice*—

Is a returned soldier permitted to give a gratuity bond in return for land—

- (a) to the owner of the land;
- (b) to a firm engaged in the business of selling land?

Senator PEARCE.—The answer supplied by the Minister for Repatriation is as follows:—

(a) and (b). Subject to the consent of the Secretary to the Treasury having first been obtained, a war gratuity bond may be used in payment or part payment for land.

NORTHERN TERRITORY.

REPORT OF EWING COMMISSION.

Senator DUNCAN asked the Leader of the Government in the Senate, *upon notice*—

1. Is it a fact that a memorial is being or has been presented to the Government relating to Judge Ewing's inquiry into Dr. Gilruth's administration in the Northern Territory?
2. If so, will the Minister lay the papers on the table of the Senate?

Senator RUSSELL.—The answer is—

1 and 2. Assuming that the honorable senator refers to a letter from counsel for Mr. H. E. Carey, Dr. J. A. Gilruth, and Mr. Justice Bevan, regarding the report of Mr. Justice Ewing, I would invite the honorable senator's attention to the fact that a copy of this communication was laid on the table of the Senate on the 22nd July.

LIEUTENANTS PARER AND McINTOSH.

RECOGNITION OF FLIGHT: ENGLAND TO AUSTRALIA.

Senator FOLL asked the Minister for Repatriation, *upon notice*—

Is it the intention of the Government to recognise the wonderful flight from England to Australia made by Lieutenants Parer and McIntosh, and, if so, in what manner?

Senator PEARCE.—Ministers warmly associate themselves with the widespread

appreciation of the magnificent contribution made by Lieutenants Parer and McIntosh to Australian aviation, and consideration will be given to the question as to whether some tangible recognition of their achievement can be accorded to them.

ARBITRATION (PUBLIC SERVICE) BILL.

In Committee (Consideration resumed from 30th July, *vide* page 3145):

Clauses 16 and 17 agreed to.

Clause 18—

No person or organization shall in any proceeding under this Act be represented by counsel or solicitor.

Senator EARLE (Tasmania) [11.5].—This is a clause to which I thought the Committee might give some consideration, though I am quite in accord with its purpose to debar the employment of solicitors. I direct attention to the fact that the word "counsel" has a very wide meaning, and that the secretary of an organization may be counsel for it before the Arbitrator. It may be very necessary that he should appear on behalf of the organization to which he belongs. I think the clause would be improved if the word "counsel" were left out.

Senator PEARCE (Western Australia—Minister for Defence) [11.6].—No difficulty can arise in connexion with this clause. A similar provision has been in operation since 1911. Clause 12 of the existing Arbitration Public Service Act provides that—

No organization or person shall in any proceeding under this Act be represented by counsel or solicitor.

Though this has been the law since 1911, in all the cases that have been heard under the existing Act the associations have always been represented by their secretaries.

Senator EARLE.—The Court might have winked at the difficulty.

Senator PEARCE.—No. "Counsel," as used in the clause, is a well-known legal term and covers persons other than solicitors.

Clause agreed to.

Clauses 19 and 20 agreed to.

Clause 21—

(1.) The Arbitrator may make a determination which is not in accord with an award or order of the Court, but, except as provided in this section, is not empowered to make any

determination which is not in accord with the laws of the Commonwealth and the regulations made thereunder.

(2.) The Arbitrator may, where he thinks it proper to do so, make a determination which, in his opinion, is not, or may not be, in accord with a law or regulation of the Commonwealth relating to the salaries, wages, rates of pay, or terms or conditions of service or employment of employees; but in that case he shall send to the Prime Minister, and to the Attorney-General, with the certified copy of the determination, a statement of the laws or regulations of the Commonwealth with which, in his opinion, it is not, or may not be, in accord.

(3.) The Prime Minister shall, within fourteen days after its receipt, if the Parliament is then sitting, or if not then within fourteen days after the next meeting of the Parliament, cause the determination, and the statement (if any) of the Arbitrator, to be laid before both Houses of the Parliament.

(4.) If, before the determination is laid before the Parliament, the Attorney-General advises the Prime Minister that in his opinion the determination is not in accord with any law or regulation of the Commonwealth referred to in the opinion, the Prime Minister shall cause the opinion to be laid, together with the determination, before both Houses of the Parliament.

Senator THOMAS (New South Wales) [11.8].—After reading the report of Mr. McLachlan on the Public Service, I must again express my regret that it was not in the possession of honorable senators before they were called upon to discuss this Bill. The Minister for Defence (Senator Pearce) said some time ago that the report would not have assisted honorable senators in dealing with this measure, because Mr. McLachlan is against arbitration for the Public Service, lock, stock, and barrel. It is true that Mr. McLachlan is against the existing system of arbitration in the Public Service, and it appears to me that the Government have endeavoured in this Bill to meet some of his objections to the present system. I have to admit that I go a long way with Mr. McLachlan in the objections he raises to the existing system, and regard some of them as unanswerable.

There are a number of men in the Public Service who have been refused admission to the associations in the Service, and only those who are members of associations are entitled to benefit by an arbitration award. I understand that that is in accordance with the policy of the Government, and is provided for by regulation. I am in full accord with that regulation. It is only fair that those who do not contribute to the expense of se-

curing an arbitration award should not benefit from it. That is a policy which, in common with others, I have supported as a member of the party with which I have been associated in the past. But it is important to remember that immediately preference is granted in that way to members of an association, it should not have the right to close its books to persons desiring to join it. When the general arbitration measure was under consideration, Senators Pearce, Russell, myself, and others strongly defended the principle of preference to unionists, but we laid it down distinctly that immediately a Judge of the Arbitration Court granted preference to unionists, the union should not be allowed to close its books to any one desiring to join it. I have no objection to unionists receiving the benefit of an award which they have assisted to secure, but we have no right to say that where preference is granted to unionists a person willing to become a member of the union should not be allowed to do so.

Senator RUSSELL.—It was suggested that the provision giving preference to unionists would be interpreted as "spoils to the victors."

Senator THOMAS.—I remember that when the matter was being discussed here we were not prepared to allow a union to close its books if preference were given to its members under an award. If that principle applies to unions affected by an award of the general Arbitration Court it should have equal force in the Public Service. Mr. McLachlan says in his report that a number of officers who went to the Front found on their return that because they held certain views on the question of conscription they were debarred from becoming members of certain associations in the Public Service. In the circumstances, should these associations obtain an award in the Public Service Arbitration Court, the returned soldiers referred to would not be entitled to benefit by it. I yesterday asked a question to discover whether that statement was correct, but while inquiry was promised, Ministers were for the moment unable to give me a reply.

Senator FOSTER.—Representatives of the soldiers in Public Service associations are meeting in conference in Melbourne. They assured me that they have no complaint whatever on this ground.

Senator THOMAS.—That meets my objection, so far as they are concerned. I am aware that Mr. McLachlan has referred to the matter in his report. The case he puts up is a very strong one as affecting returned soldiers employed in the Service, but the same contention may be urged in favour of any member of the Public Service. If a person will not join an association and so contribute to the cost of bringing about an award, he should be debarred from the benefits of that award, but if he is willing to become a member of the association he should not be prevented from doing so.

Senator J. D. MILLEN.—How would the honorable senator overcome the difficulty where such a person cannot induce anybody else to propose him for membership, as is the case in connexion with some unions outside the Public Service?

Senator THOMAS.—I think that difficulty would be met if the person concerned could show that he had tried to become a member of an association. He would not then be debarred from the benefits of an award procured by that association. Under this clause the Arbitrator is given the power to make an award even against a regulation of the Commonwealth. I understand that there is a Public Service regulation to the effect that only those who are members of an association which has secured an award can reap the benefit of it, and if that is the case I would like some definite understanding to be given that the books of that association are not to be closed to any one, or that any person refused admission to the organization shall come under the award just as it applies to any member of the union.

Senator PEARCE (Western Australia—Minister for Defence) [11.16].—The point raised by the honorable senator is a very interesting one, and in the past has proved very troublesome, having taken up, I suppose, more of the time of Cabinet than has any other portion of the Public Service regulations. In fact, at times it has proved to be a veritable nuisance. There is a good deal to be said for the contention of the honorable senator, that only the members of an association which puts into operation the machinery of the Public Service Arbitration Act, and in that way possibly obtains some benefit, should secure any advantage which is gained. In theory

the principle seems almost unassailable, but in practice it has been found capable of great abuse. For one thing, it penalizes those members of the Public Service who remain loyal to the Government when it becomes a question of loyalty to the association of which they are members or of loyalty to the Government, of whom they are the servants. All sorts and conditions of public servants are to be found in these associations. Some of them are heads of sections or foremen, and at times it is a question with them as to whether they shall remain loyal to the Government or stand by their association. It is obvious that if the Government cannot rely on such men to look after its interests it is quite unprotected, and that when a clash of interests arises these men are put in the position that they cannot reap the advantage of any increased award unless they remain loyal to their association, we at once drive them into the arms of the association as against the Government. This, however, is just what has happened in a great many instances, and the Government have felt compelled to remove that regulation. It is no longer in force. One of the reasons actuating the Government in coming to that decision was the very instance Senator Thomas has mentioned, namely, that in the past members of the Public Service have been denied membership of associations, and thus have not been able to reap the advantage of any arbitration award. It is a difficult matter for the Government to police the discipline of an organization. Its rules may be all right, and, of course, they must be submitted to the Registrar of the Arbitration Court; but rules which may be perfectly innocent on the face of them can be administered in a way that will have a harmful effect. With many instances, such as the cases quoted by Senator Thomas and those I have mentioned, before them, the Government eventually decided that the only way in which to protect men who felt it was their duty to stand by the Government in certain contingencies, or who held strong convictions of a political or other character which prevented them from joining an association, was by declaring that when the Arbitration Court delivered an award all members of the Public Service concerned in it should be paid what the Court determined they should receive. The amending regulation carrying that decision into effect was

passed some time ago, and now the position is that subsequent to an award being tabled in Parliament, and no dissenting resolution having been carried here, all members of the Public Service receive what the Arbitration Court say they ought to receive.

Senator THOMAS (New South Wales) [11.21].—I was not aware that the regulation to which I drew attention had been amended. However, as this has been done, and all members of the Public Service are now on the same footing, there is no need for me to press the point I put forward.

Senator SENIOR (South Australia) [11.22].—This clause gives the Arbitrator control over wages and conditions of labour, and therefore runs counter to the intentions of another Bill before the Senate providing that the Board of Management of the Public Service shall also have control over wages, conditions of labour, and so on. Unless we eliminate the power of the Board we shall thus be setting up a dual control. Again, the decisions of the Arbitrator may come into conflict with the awards of the Arbitration Court. In fact, we shall be getting into a real tangle owing to the fact that we have before us two measures instead of one in which we could see quite clearly what we are doing. The Minister for Defence (Senator Pearce) told us the other day that he proposed to introduce a third Bill, so that there is a possibility of still greater conflict arising. It is quite patent to any one who considers the matter that we ought to have one Bill dealing with the Public Service instead of legislating piecemeal in this way and each time coming up against an obstacle of greater dimensions than before. The first purpose of this clause is to give the Arbitrator supreme power to make an award which may or may not be in accord with an award of the Arbitration Court relative to persons carrying on similar work outside the Public Service, and as it also impinges on the authority of the Board of Management I do not think we ought to agree to it until we have dealt with the other Bill. Having made an award, the Arbitrator is obliged to inform the Prime Minister and Attorney-General of what he has done. Here again by inference we are going directly against what may be done outside the Service. The purpose of the Bill is supposed to be to bring about greater

contentment and peace and consequently economy in the Public Service, but here, by inference, we are setting up a position in which the conditions applying in the Public Service may differ from those established by the Arbitration Court in regard to similar work outside, and thus possibly creating greater trouble than now exists. The clause is pregnant with any amount of disturbance and commotion in the Public Service.

Senator ELLIOTT.—The conditions in the Public Service may not be the same as those outside.

Senator SENIOR.—There are many cases in which public servants do work which is absolutely similar to that done outside the Service. Engineers employed in the Commonwealth Service are members of an outside union. Yet it will be possible for the Arbitrator to arrive at an award quite dissimilar from that under which the outside engineers are working. That is a state of affairs which is not likely to create peace. In the Postal Department there are a hundred and one avenues in which we have men doing work similar to that which is done outside the Service. The clause gives immense power to one individual.

Senator PEARCE.—The object of the clause is to limit his power.

Senator SENIOR.—If three Judges of the Arbitration Court were given similar power to bring in awards distinctly different from existing awards in the same service trouble would immediately arise.

Senator PEARCE.—I draw attention to the fact that the honorable senator is really debating the power of the Arbitrator and the general scope of the Bill. This clause does not deal with any of the principles to which he is directing the attention of the Committee. It refers only to the power of Parliament or the Government to review an award of the Arbitrator. I contend that it is not competent for the honorable senator to discuss the other provisions of the Bill or the power of the Arbitrator.

The CHAIRMAN (Senator Bakhap).—I understood Senator Senior indicated that he merely wished to make passing reference to the subject in the discussion on this clause, and therefore he is in order; but I invite him to remember that he may only make passing allusion to any other clause that has been already debated and adopted.

Senator SENIOR.—I thank you for your ruling, Mr. Chairman. It is also provided that the Arbitrator shall send to the Prime Minister and to the Attorney-General, with the certified copy of the determination, a statement of the laws or regulations of the Commonwealth with which, in his opinion, the determination may not be in accord.

Senator DRAKE-BROCKMAN. — But he is only required to do that if he thinks his award is in conflict with the laws or regulations of the Commonwealth.

Senator SENIOR.—I agree with the honorable senator. I see great danger in the clause, and I am afraid that, if passed in its present form, it will be unsatisfactory.

Senator FOLL (Queensland) [11.35]. —I welcome the remarks made by Senator Senior, because they are in accord with opinions expressed by other honorable senators on an earlier clause of the Bill. So far from legislating in the dark, I think Senator Senior is now seeing the light.

Senator SENIOR.—I have never been in sympathy with this Bill.

Senator FOLL.—Well, only a few days ago a vote was recorded on one of the earlier clauses, with the object of achieving what Senator Senior apparently now wants to do, and he should have been with us. I trust now that he realizes we are creating two authorities, a Board on the one hand, with extended powers, and an Arbitrator on the other hand, with still greater powers, that when this clause goes to a division we may expect to see Senator Senior voting against it.

Senator PEARCE (Western Australia —Minister for Defence) [11.36].—I think Senator Foll is quite right. He and some other honorable senators objected to the appointment of an Arbitrator, and tested the feeling of the Committee on this principle. From the tenor of Senator Senior's remarks, it appears that he should have been with them in the division list. This is not the clause upon which to test the feeling of the Committee as to whether or not we are to have a Public Service Arbitrator. This clause only gives the Government certain limited powers of review. Clause 20 provides for a determination

to be laid before Parliament, and clause 21 gives Parliament power of review.

Senator DRAKE-BROCKMAN.—But that clause will operate only in the event of the Arbitrator thinking that he has departed from the law.

Senator PEARCE. — The honorable senator is quite wrong. Clause 20 provides that when a determination has been made the Arbitrator shall "forthwith" send a certified copy of it to the Prime Minister and the Attorney-General, and, further, that the Prime Minister "shall," within fourteen days after its receipt, if Parliament be then sitting, or, if not then, within fourteen days after the next meeting of Parliament, lay such determination before both Houses.

Senator DRAKE-BROCKMAN.—But the determination will come into force nevertheless.

Senator PEARCE.—It will not be effective until after the expiration of the period named. In clause 21, which is now before the Committee, there is provision that the Arbitrator may make a determination which is not in accord with an award or order of the Court; but, except as provided in that clause, he may not make any determination which is not in accord with the laws of the Commonwealth and regulations made thereunder. Sub-clauses 4, 5, and 6 of the clause state—

(4) If, before the determination is laid before the Parliament, the Attorney-General advises the Prime Minister that, in his opinion, the determination is not in accord with any law or regulation of the Commonwealth referred to in the opinion, the Prime Minister shall cause the opinion to be laid, together with the determination, before both Houses of the Parliament.

(5) If, in the case of a determination accompanied by such a statement of the Arbitrator, or opinion of the Attorney-General, as is above referred to, either House of the Parliament, within thirty days after the determination with the statement or opinion has been laid before both Houses, passes a resolution disapproving the determination, the determination shall not come into operation.

(6) Except as provided in the last preceding sub-section, but subject to the Constitution, the determination shall, from the expiration of those thirty days or such later period as is specified in the determination, have full force and effect notwithstanding the provisions of any law or regulation of the Commonwealth.

Senator DRAKE-BROCKMAN.—But that is only in the event of the Arbitrator thinking his award is in conflict with the law.

Senator PEARCE.—No; it is the common practice. This provision has been in the existing law since 1911. And the reason is obvious—that Parliament will not agree to part with its control of the finances. It will not even agree to part with this control to a Minister.

Senator CRAWFORD.—Under this Bill Parliament will part with its control.

Senator PEARCE.—I assure the honorable senator that he is wrong, and that this provision has been in operation since 1911. The Government may at any time, in respect of any determination or award, submit a resolution that any part or the whole of it shall not come into operation; and if Parliament adopts such resolution, the award will be of no effect. This principle has been inserted into our law for the express purpose of retaining to Parliament this final right of review.

Senator DRAKE-BROCKMAN.—Will the Minister get an opinion from the Crown Law authorities on the point? I do not agree with him.

Senator PEARCE.—No, I will not; because this provision is in the existing law, and it is the practice. It has never been departed from. I know what Senator Senior's trouble is. He did not tell the Committee the whole of the story, but he expressed his opinion on the second reading of the Bill when he stated that as soon as an Arbitrator had given his award it ought to come into operation at once. That is what he wants, and if this Bill does not prevent that, as Senator Drake-Brockman thinks, Senator Senior will be happy, because he will have gained his point. There are two sets of opinion in this Senate. There are those who do not believe in the appointment of an Arbitrator at all. They want the Board of Management to have the last say in regard to the fixing of salaries, wages, and conditions of employment, and so on. They are against the Arbitrator absolutely. Senator Senior, on the other hand, wants the Arbitrator to be the supreme authority.

Senator SENIOR.—You are not a good mind reader.

Senator PEARCE.—But I have the honorable senator's own words to support my contention. Senator Senior said, "We shall have to eliminate control by the Board of Management over salaries." What does he mean by that, except that the Arbitrator shall be the final authority in this matter? Senator Senior then went on to say that there appeared to be some confusion in the minds of some honorable senators. I agree that there is some confusion, but it is only in Senator Senior's mind. He said, "The clause gives the Arbitrator supreme control." It does nothing of the kind. It gives Parliament the supreme control.

It might be as well if I state again what is the purpose of these two Public Service Bills. At present we have a Public Service Commissioner and a Public Service Arbitrator in the person of a Judge of the Conciliation and Arbitration Court, and it is desired to create a Board of Management in place of the Public Service Commissioner and to appoint a Public Service Arbitrator in place of the Arbitration Court Judge. The Bills do not alter the law in any other respect. The question for the Committee to determine is whether we should have a Board of Management and an Arbitrator in place of the Commissioner and an Arbitration Court Judge.

Senator CRAWFORD (Queensland) [11.44].—I am sorry I cannot read into the Bill the interpretation which the Minister has placed upon it. So far as I understand the measure, it states that the Arbitrator shall inform the Attorney-General of only such awards as may be in conflict with the law or a regulation of the Commonwealth.

Senator PEARCE.—But do you not realize that every award is expressed in a regulation, and therefore every new award must be in conflict with it?

Senator CRAWFORD.—There is no provision in the Bill that awards made by the Arbitrator to be appointed shall not be effective until promulgated in the form of a regulation.

Senator PEARCE.—That provision is in the Public Service Act.

Senator CRAWFORD.—While there is provision in the Bill to have the awards laid before Parliament, I take it

that Parliament may only disapprove of any such determinations if they are in conflict with the law or regulations, and it seems to me that if an award is not in conflict with a regulation, it would come into operation at once.

Senator PEARCE.—If it were not in conflict with an existing determination, there would be no alteration in wages or salaries.

Senator CRAWFORD.—In that case there does not appear to be any need for the clause which we have just passed.

Senator SENIOR (South Australia) [11.46].—The Minister for Defence (Senator Pearce) has entirely missed the point which I have in my mind. It may please him to say that this provision is already contained in our Public Service Act. I recognise that clause 20 of this Bill is intended to govern an entirely different set of circumstances. My reason for calling attention to the clause which we are now considering is that it will import into this arbitration scheme the element of delay. When it becomes operative, who will suffer as a result of the delay? Unquestionably, our civil servants. Cannot honorable senators see that under this clause we are asked to vest in the Arbitrator a power to give decisions which will conflict with regulations made under Commonwealth laws or with an award which has been made elsewhere? My point is that when once an award has been given, if Parliament does not disapprove of it, its operation should be retrospective to the date upon which it was made. Is there anything inequitable in that proposal?

Senator NEWLAND.—Otherwise there may be a delay of three or four months.

Senator SENIOR.—Exactly. Of course, a delay of that character is nothing to the Minister, although the few pounds involved in such delay may be a matter of considerable moment to our civil servants. What manner of man can be expected to make an award which will not conflict with some Commonwealth regulations, seeing that those regulations are as thick as leaves in Vallambrosa?

Senator CRAWFORD.—The addition of a few words to sub-clause 5 would achieve the honorable senator's desire.

Senator SENIOR.—But the Minister is not inclined to accept any amendment to the clause. I am merely pleading that when finality has been reached after an

award has been made of which Parliament has not disapproved, the operation of that award shall date back to the time when it was made. I could cite numerous instances in which petty delays have occurred, merely because the expenditure of a few pounds was involved. If the clause be passed in its present form the Committee must accept full responsibility for it. I am content with having entered my protest against it.

Senator DRAKE-BROCKMAN (Western Australia) [11.51].—I quite agree with the Minister for Defence (Senator Pearce) that we should appoint an Arbitrator for the Commonwealth Public Service, but I do not think that we should endow him with legislative powers. Those powers have properly been vested in the two branches of this Parliament, and I should not be a party to delegating them to any one man or set of men. I do not agree with the Minister's interpretation of this clause. But, probably, we shall get what he desires if sub-clauses 1, 2, and 3 are allowed to stand as clause 21, and sub-clauses 4, 5, and 6 are constituted a separate clause. At the present time the position is that an Arbitrator may be appointed who may not even be a lawyer. He may know nothing whatever about the interpretation of laws, and in the construction which he may put upon them he will have no counsel to assist him. He will not occupy a position similar to that of a Justice of the High Court, who is necessarily a man who is well versed in the law. The clause first provides that this Arbitrator may not depart from the law, and then it goes on to say that in certain cases he may depart from it. It further provides that if he thinks he is departing from the law he must acquaint the Prime Minister with the fact.

Senator J. D. MILLEN.—We shall need a very special man, if he is to comply with all those conditions.

Senator DRAKE-BROCKMAN.—Yes. To this Arbitrator we are asked to delegate legislative powers, and under clause 19 there can be no appeal from his decisions. The Bill contains no provision for bringing any of his decisions which may be contrary to the law before Parliament. The Minister for Defence has said that it does. I do not agree with him. But I think that we shall gain our object if we divide clause 21 into two parts in the way I

have suggested. I am of opinion that sub-clauses 4 to 6 are intended to apply only to those determinations in which the Arbitrator believes that he has departed from the law. I therefore move—

That the word "the" first occurring in sub-clause 4 be left out, with a view to insert in lieu thereof the word "any," and that sub-clauses 4, 5, and 6 be made a separate clause.

Senator DUNCAN (New South Wales) [11.57].—I must confess that I can see very little in the contention of Senator Senior and Senator Drake-Brockman. To my mind, the clause as it stands is a perfectly fair one, and what is more to the point, it is a thoroughly workable one. Evidently, the desire of the Government is to create a tribunal which will deal with all claims that may come before it as expeditiously as possible, in order that relief may be granted to our civil servants. Senator Senior is of opinion that the adoption of this clause will lead to endless delay. Upon the other hand, I believe that its adoption will make for expedition—certainly much greater expedition than would the adoption of Senator Senior's suggestion. We have already determined that an Arbitrator shall be appointed. Who is to be that Arbitrator? Unless we agree to the clause as it stands, it appears to me that we shall have to obtain the services of a legal gentleman of at least equal standing to a Justice of the High Court, because he will require to possess the widest knowledge of constitutional law in order that he may be able to determine whether any question coming before him falls within the scope of Commonwealth regulations or not. Then there is to be no appeal from his decision. In the interests of the Public Service, it is advisable that we should appoint a gentleman who is thoroughly familiar with the needs of the situation from the Service point of view.

Senator J. D. MILLEN.—We have already passed a clause which provides that the Arbitrator shall possess legal knowledge.

Senator DUNCAN.—But it is even more necessary that he should know what he is arbitrating upon, namely, the conditions that obtain in our Public Service. We are not so much concerned with whether he is able to determine the admissibility or otherwise of certain evidence, or with whether what he proposes to do is within the four corners of the law. The power of deciding whether the decisions of the Arbitrator are strictly

legal or not, is reserved to the Attorney-General. When a Public Service organization appeals to the Arbitrator, if there is to be argument before him as to whether a claim is or is not within the regulations, or whether any determination which he proposes to make is or is not in accordance with regulations that have been previously passed, it will mean a delay of days or perhaps weeks, because it is manifestly impossible for him to give any fresh decision which is not in conflict with existing regulations. If it is made impossible for the Arbitrator to give any determination which is contrary to existing regulations or determinations, it will be impossible for him to do anything at all. Manifestly, he must have the power to give a determination which is not in accordance with previous regulations or decisions. Once we admit that he must have that power, Senator Senior's arguments, and the arguments of Senator Drake-Brockman, must go by the board. I quite agree that we must preserve to Parliament the right to declare whether a determination of the Arbitrator shall be adopted or not; but that right is carefully conserved in this clause. I cannot see that any harm would result to the Public Service organizations from the passage of the clause as it stands. On the contrary, I believe its adoption would lead to expedition in settling the claims of organizations, and result in advantage all round.

Senator PEARCE (Western Australia—Minister for Defence) [12.2].—I trust that we shall not make amendments simply for the sake of making them. Senator Drake-Brockman's proposal to divide the clause into two will not alter its force or interpretation. To divide it into six would not have the slightest effect, because the whole six clauses would deal with the one thing. They would all deal with the question of what becomes of a determination after the Arbitrator has made it.

Senator BENNY.—The clause deals only with determinations of the Arbitrator which are inconsistent with Commonwealth law or regulations. That is what Senator Drake-Brockman wishes to remedy.

Senator PEARCE.—This law has been in operation since 1911, and it lies on those who hold that view to produce one determination that has come before Parliament, and that has not amended the law or the regulations of the Commonwealth. They cannot think of a determination in regard to the Public Service that

is not going to alter some law or regulation of the Commonwealth.

Senator SENIOR.—That reasoning means that attention has to be called to all of them. Is that so?

Senator PEARCE.—Yes; and attention is called to them. I am not surprised at new senators not knowing this; but Senator Senior knows that scarcely a month has passed in which a Minister has not laid on the table a determination of the Arbitration Court affecting the Public Service, accompanied by the certificate of the Attorney-General that such determination is in conflict with such-and-such a regulation.

Senator DRAKE-BROCKMAN.—It may be in conflict with some other law.

Senator PEARCE.—With whatever law it is in conflict, the Attorney-General will draw the attention of Parliament to the fact.

Senator DRAKE-BROCKMAN.—I want it as a matter of right and not of practice.

Senator PEARCE.—It is a matter of right now. The Attorney-General, the duly-appointed guardian of the laws of the Commonwealth, holding his place by the consent of Parliament, has the duty of analyzing every one of the determinations. He does so, and if it involves any amendment of a regulation or law he draws the attention of Parliament to it. If there is no amendment of a law or regulation, there is no new determination, and nothing need be said. What will the procedure be? The Board of Management will bring in new regulations affecting rates of pay or conditions in the Public Service. The Public Service Association concerned will examine them, and, if not satisfied, will appeal to the Arbitrator. If the Arbitrator, after hearing their case, makes no change, where is the necessity for Parliament to concern itself, seeing that Parliament, by not disallowing the regulations, has already indorsed them, and they have become the law of the land?

Senator SENIOR.—Can the honorable senator name one instance in which regulations have been laid before Parliament and attention specifically called to them? I do not know of one.

Senator PEARCE.—I can name every one. I invite Senator Senior, as he has apparently not done his duty in this respect in the past, to look up the parliamentary papers. He will find that every determination laid on the table, where

there has been an alteration, has been accompanied by the certificate of the Attorney-General drawing attention to that alteration. I assure honorable senators that they are fighting shadows. If a determination alters the *status quo*, it must alter some regulation or law of the Commonwealth. If it does not, where is the need for Parliament to worry about it at all?

Senator DRAKE-BROCKMAN.—Then, if you agree with that, why not divide the clause into two, and we can all be happy?

Senator PEARCE.—Because there is no necessity to do so.

Senator FOSTER.—Do I understand that, when a new award or determination is laid on the table, it supersedes the old regulation?

Senator PEARCE.—Certainly. All rates of pay and conditions in the Public Service are governed by Public Service regulations, which are laid on the table from time to time by Ministers. The Arbitrator does not come in until an appeal is made to him by a Public Service organization. If the Arbitrator refuses to alter the regulation, we do not come into the matter. When a regulation is laid on the table, either House has the right within a certain time to disapprove of it. Any private member can give notice of a motion to that effect, and that motion takes precedence of Government business. The object of that standing order is to enable Parliament to control the Government issue of regulations. If a regulation is laid on the table, members receive copies of it, and, if they take no action within thirty days, it is assumed that Parliament has indorsed it, and it becomes law. If the Public Service has not appealed against it, and members have not moved against it, it is accepted. The machinery provided here is exactly the same as has been in operation since 1911, and amply safeguards the Arbitrator, the Public Service, and Parliament.

Senator ELLIOTT (Victoria) [12.12].—At a previous stage of the Bill I expressed my disappointment that the Government had not improved upon the old arbitration laws. It is apparent from the Minister's explanation that the Bill merely substitutes a special Arbitrator for the Judge of the Arbitration Court. I should have thought that, from the experience of arbitration and the many defects revealed in it,

some improvement would have been devised at this stage to make better provision for the settlement of these disputes. That might have been done by creating a Board where representatives of the employees and of the Board of Management of the Service, could meet under an independent chairman. However, it is too late to include any such scheme in this Bill, but I agree with Senator Drake-Brockman that the amendment he has suggested should be made. It is clear that "the determination" mentioned in sub-clause 4 of clause 21 can refer only to "a determination" mentioned in the first line of sub-clause 1. If not, the draftsman should have used the following wording: "If before a (or any) determination is laid before the Parliament." Any distinction of that kind would be made still more emphatic by making the provision into a separate clause, as Senator Drake-Brockman suggests. That ought to be done, and, if it is done, it will make it quite clear that "the determination" referred to in sub-clause 4 does not merely mean "a determination" referred to in sub-clause 1.

Senator DRAKE-BROCKMAN.—"The determination" refers only to the kind of determination mentioned in clause 21.

Senator ELLIOTT.—I do not pretend to be an absolute authority on the interpretation of Statutes, but if the Minister can see that the clause would be made a little clearer, he should give way, and accept the amendment.

Senator BENNY (South, Australia) [12.15].—I support the amendment, and believe that the Minister for Defence (Senator Pearce) would be wise to accept it. All that Senator Drake-Brockman desires to do is to preserve to Parliament its power as the supreme arbiter. Two kinds of determination are referred to, one in clause 20 and the other in clause 21. The determination referred to in clause 20 may be laid before Parliament, and the rights of Parliament in the matter are apparently not affected. But under clause 21 the determination referred to is clearly one about which the Arbitrator thinks there may be some conflict. It is to be submitted to Parliament, and under sub-clause 5 Parliament is given the power to express its approval or disapproval of any such determination. If it expresses disapproval the

determination cannot come into operation. All that Senator Drake-Brockman proposes to do is to strike out the word "the" in sub-clause 4 of clause 21, because the determination there referred to is manifestly only a determination about which the Arbitrator is in doubt as to its acceptance.

Senator PEARCE.—If the honorable senator's interpretation is correct, will he tell the Committee when the determination referred to in clause 20 comes into force?

Senator BENNY.—It comes into force as specified in clause 20. I am aware that the Minister does not consider that there would be any confusion between the determination referred to in clause 20 and that referred to in clause 21, but in my view it is quite conceivable that there might be, and Parliament might thus be deprived of its right to remain the supreme arbiter. The amendment proposed by Senator Drake-Brockman is a very small amendment to ask the Government to consent to, and it would make this provision more comprehensive.

Question.—That the word proposed to be left out (Senator Drake-Brockman's amendment) be left out—put. The Committee divided:

Ayes	..	..	..	9
Noes	...	...	...	12
Majority				3

AYES.

Benny, B.	Newland, J.
Drake-Brockman, E. A.	Senior, W.
Elliott, H. E.	Wilson, R. V.
Foster, G. M.	Teller:
Millen, J. D.	Foll, H. S.

NOES.

Bolton, W. K.	Payne, H. J. M.
Buzacott, R.	Pearce, G. F.
Crawford, T. W.	Rowell, J.
Duncan, W. L.	Russell, E. J.
Earle, J.	Teller:
Guthrie, J. F.	de Largie, H.
Henderson, G.	

Question so resolved in the negative.

Amendment negatived.

Clause agreed to.

Clause 22 agreed to.

Postponed clauses 3 and 4, and title agreed to.

Bill reported, with amendments.

Senator PEARCE (Western Australia—Minister for Defence) [12.24].—I move—

That the Bill be recommitted for the re-consideration of clause 12.

Honorable senators will remember that in Committee we made an amendment in clause 12. After review by the draftsman, it has been found necessary to re-commit that clause, not to alter the substance of the amendment, but to put the clause in proper form.

Question resolved in the affirmative.

In Committee (Recommittal).

Clause 12—

7. The Commissioner, or the Minister of any Department or State, or any organization affected by any determination of the Arbitrator, may submit to the Arbitrator an application to vary the determination wholly or in part. The Arbitrator shall forward a copy of the application to the organization affected by the application, and to the Minister, or the Department of State affected if the application to vary has been made by the Commissioner, or to the Commissioner if the application to vary has been made by the Minister of the Department affected.

8. The organization, and the Commissioner or Minister, as the case may be, may, within the prescribed time lodge any objections they see fit to make to the granting of the application.

Senator PEARCE (Western Australia—Minister for Defence) [12.25].—In this clause, on the motion of Senator Duncan, the Committee made an amendment, inserting after the word "State," in line 2, the words "or any organization," the intention being to give an organization the right to apply for a variation of an award. Consequent upon that amendment it has been found necessary to redraft sub-clause 8, and I therefore move—

That sub-clause 8 be left out, with a view to insert in lieu thereof the following:—

8. Any organization or person to which or to whom the Arbitrator has, in pursuance of the last preceding sub-section, forwarded a copy of the application to vary, may within the prescribed time lodge any objections it or he see fit to make to the granting of the application.

Amendment agreed to.

Clause further consequentially amended, and agreed to.

Bill reported with further amendments.

PUBLIC SERVICE BILL.

SECOND READING.

Debate resumed from 28th July (*vide* page 3015), on motion by Senator PEARCE—

That this Bill be now read a second time.

Senator SENIOR (South Australia) [12.29].—This Bill is called a Public Service Bill, but it really deals with the appointment of a Board to control the Public Service, which is to take the place of the Public Service Commissioner under the existing law. The change proposed is merely a change from the management of the Public Service by one official to its management by three, with a possible alteration during the consideration of the measure providing that one of the members of the Board of Management, if that form of control is approved, may be chosen from persons nominated by the employees of the Service. We have been informed that this is not the only measure dealing with the Public Service that is to be brought before us for consideration. But this may be regarded as the management portion of the amending legislation. If we had one Bill before us covering the whole ambit of the Public Service, we could see clearly the relationship of this legislation; but dealing with the Service in sections in this way we cannot see how the various measures will dovetail. Our difficulty is still more apparent when we learn that the Board of Management is to work under a Bill we have not yet sighted. It is peculiar that the alterations made in the Bill now before us are practically confined to the elimination of the word "Commissioner," and the substitution of the word "Board" in thirty-nine sections of the present Act. We may, therefore, assume that these thirty-nine sections will be included in the Bill which the Minister for Defence (Senator Pearce) promises is to be brought in next, but upon which we have not yet had a definite statement. Possibly, other sections will be omitted, and fresh provisions inserted in this succeeding Bill; but, in any case, here we are seeking to legislate for that which has not been made apparent to us without any conception of the relationship in which the Bill now before the Senate may have towards legislation subsequently to be passed. However, we may assume that

the Board of Management will control the Public Service.

The bulk of the clauses of this Bill are machinery provisions, but in clause 11 the duties of the Board of Management are set out. In addition to such duties as are elsewhere imposed on the Board by the Bill, it will be called upon—

To devise means of effecting economies and promoting efficiency in the management and working of Departments by—

- (i) Improved organization and procedure.
- (ii) Closer supervision.
- (iii) The simplification of the work of a Department, and the abolition of unnecessary work.

I should think that "improved organization and procedure" would lead to "the abolition of unnecessary work," and that "closer supervision" would be a direct agent for accomplishing that end.

- (iv) The co-ordination of the work of the various Departments.

With "closer supervision" and "co-ordination" of the work of the various Departments, there must necessarily be simplification of work, and it goes without saying that "co-ordination" will abolish "unnecessary work."

- (v) The limitation of the staffs of the various Departments to actual requirements, and the utilization of those staffs to the best advantage.

The Bill does not say whether those staffs are to be utilized in some other Department.

- (vi) The improvement of the training of officers.

There is nothing to indicate the form that training would take, or whether any method of training is now in existence.

- (vii) The avoidance of unnecessary expenditure.

I cannot help feeling that if the work is simplified and organization and procedure are improved, and if closer supervision is exercised, the result will be the avoidance of unnecessary expenditure.

- (viii) The advising upon systems and methods adopted in regard to contracts, and for obtaining supplies, and upon contracts referred to the Board by a Minister.

This is certainly breaking new ground.

- (ix) The establishment of systems of check, in order to ascertain whether the return for expenditure is adequate.

We are left in doubt as to whether the check referred to is a check on expenditure or upon goods purchased, or whether the reference is to the previous paragraph,

which imposes on the Board the duty to advise upon systems and methods adopted in regard to contracts. If the reference is to the latter it is very desirable to have such a check; but if it is to be merely a check on work done, I think that the checks already imposed are far too numerous. If a telephone engineer is sent from Adelaide to carry out some work at Largs Bay, and incidentally is instructed to pay a visit to the Outer Harbor and call at Port Adelaide on his way, he is supposed to charge a proportion of the time he occupies in travelling against the several tasks he has to perform; and when he begins his work he has to note carefully whether he is using new wire from the store or old wire removed from a telephone in some other part of his district. It is a case of check, check, check until hours of his time are occupied in filling sheets of paper with the necessary figures.

Senator WILSON.—There must be organization.

Senator SENIOR.—Yes; but there is a possibility of that organization running mad.

Senator WILSON.—But there must be a close check on any important work.

Senator SENIOR.—When a man's travelling time must be apportioned to five or six different jobs it is almost impossible for the telephone mechanic to be accurate in his returns. He must do a lot of averaging. However, the point I wish to make is that if all the checks already in existence are to be augmented by others enforced by the Board of Management, expenditure will not be lessened.

Senator WILSON.—The Board of Management will be a business Board, and will not require all the details the honorable senator has mentioned.

Senator SENIOR.—Does the honorable senator claim that the present system is not business-like?

Senator WILSON.—I would go a long way towards saying it.

Senator SENIOR.—When the request was put forward that one member of the Board of Management should be a representative of the employees, the Minister (Senator Pearce) objected to such suggestion on the ground that this is to be a Board which will stand in the relation of employers to the public servants. Now Senator Wilson suggests that it will be an entirely different Board; in fact, that it will be a Board of managers, pure and simple.

Senator WILSON.—Is that not the spirit of the Bill?

Senator SENIOR.—I am not sure that it is.

In his report, Mr. McLachlan strongly condemns the idea of having a Board of Commissioners; but yet suggests what is equivalent to it, because while he would make one man responsible, he nevertheless claims that one person cannot do the whole of the work, and points to the necessity for having a Deputy Commissioner. He would also increase the number of inspectors we have in each State at the present time. He would appoint an inspector to be attached to the central office at the Seat of Government, and a travelling inspector to act as a sort of general supervisor to the whole staff of inspectors. The question we have to consider is whether the Board will be an improvement on control by a Commissioner. At present the Commissioner is responsible to the Minister. The proposed Board would be responsible to Parliament, but in effect there will, under this scheme, be dual control, that is, control by the Board and control by the Arbitrator, though the function of the Board will be to govern the Service, whilst the duty of the Arbitrator will be to adjudicate.

Again I call attention to the fact that we are somewhat at a disadvantage because we have no information as to the provisions of the promised amending measure affecting the Service generally. In a sense we are manufacturing machinery without information as to what the machinery will be called upon to move; we are building, as it were, an engine, without any knowledge as to the load that will be behind it. It would be an advantage if we had this other Bill before us, not necessarily for discussion, but in order that we might be acquainted with its provisions and thus be able to judge how far this measure, and that which we have just passed through Committee, will fit into the general scheme. At present we are providing for the appointment of a Board of Management without any knowledge as to whom it will manage.

Senator FOSTER.—The Board of Management will have work to do without any alteration of the principal Act.

Senator SENIOR.—I presume, then, that the Board will take control under the present Public Service Act.

Senator FOSTER.—I should say so, until the amending Bill is passed.

Senator PEARCE.—Of course. The Public Service will continue just the same.

Senator SENIOR.—But that measure could have been before us for our information, and when dealt with, it could come into operation at a date to be proclaimed.

The PRESIDENT (Senator the Hon. T. Givens).—I must remind the honorable senator that he has already alluded to that matter four or five times.

Senator SENIOR.—I am merely referring to this subject by way of illustration and not for the purpose of traversing again ground which I have already covered. We are in an exceedingly difficult position in consequence of this method of legislating by instalments, and attempting to differentiate between matters that are so closely related.

This is to be a Board of Management and not a Board of employers, but the Bill represents an attempt to make the Service a thing apart, although the trend of modern ideas of management suggests the opposite course. Two of the representatives on the Board are to be chosen by the Government, and I feel that if the scheme is to promote harmony, and therefore efficiency, in the Service, the employees should have an opportunity to exercise some influence on the constitution of the Board. We might, I think, adopt the principle contained in the last Australian Soldiers Repatriation Bill, under the provisions of which members of the Returned Sailors and Soldiers League were invited to nominate two or three members, from whom the Government selected one.

Senator PEARCE.—But the position was entirely different. They are not employees of the Government.

Senator SENIOR.—Then the Minister takes up the position that the Board of Management, as outlined in this Bill, is to stand in the relation of an employer of labour, and not, strictly speaking, a Board of Management, although the interpretation clause clearly provides that "the Board" means a Board of Management. That being so, the employees should have a right to a voice in the management of the Service. This, I feel sure, would promote harmony and lead to greater efficiency.

Senator FOSTER.—Would you allow them to nominate one of their number to membership on the Board?

Senator SENIOR.—I would allow them to submit a list of three or four names, from which the Government could select one.

Senator FOSTER.—Would you allow them to nominate from the Public Service or outside?

Senator SENIOR.—I would not confine them to the Public Service.

Senator PEARCE.—If a member of the Board were appointed in this way, would he be responsible to the Public Service associations?

Senator SENIOR.—I should say he would be responsible to the Government, and absolutely out of the control of the Public Service. He would reflect the Public Service view on the Board of Management.

Senator PEARCE.—How would he be re-appointed?

Senator SENIOR.—The Government could make the re-appointment in the same manner as the original appointment.

Senator PEARCE.—On the nomination of the Public Service Association?

Senator SENIOR.—Is the Minister averse to the proposal that there should be a nominee from the Public Service, seeing that the men will have to work under the Board of Management? Surely he will acknowledge that no man is wise enough to have complete knowledge of all details connected with the working of the Public Service. We may, of course, if we like, regard the Public Service as a body to be ruled with a rod of iron, or, on the other hand, as a body to be moulded and impressed in another way.

Senator PEARCE.—Or as a body to rule us.

Senator DUNCAN.—Not if the Government have two out of the three representatives on the Board of Management.

Senator SENIOR.—The Government must have a very bad case if with two out of three representatives on the Board of Management they are not prepared to listen to the views of a third, representing the employees. It might just as well be said that as the Government find all the money for repatriation the soldiers themselves should have no voice in the deliberations of the Board.

Senator PEARCE.—But they are not employees.

Senator SENIOR.—If the Government want to insure a contented Service they must endeavour to meet the wishes of the Public Service. In the United Kingdom

the Public Service have equal representation on the Board appointed by the Government.

Senator PEARCE.—No. I have all that information here.

Sitting suspended from 1 to 2.30 p.m.

Senator SENIOR.—When the sitting was suspended I was dealing with the question of representation on the proposed Board. I stated that, in Great Britain, the principle of equal representation was recognised, and the Minister (Senator Pearce) thereupon interjected that my statement was inaccurate. Possibly he had one thing in his mind whilst I had another. I know that, in connexion with Boards recently established in England under the Whitley scheme the principle of equal representation has been conceded.

Senator PEARCE.—They are not Boards of Management in any sense.

Senator SENIOR.—The Minister's interjection recalls the fact that the Board proposed to be established under this Bill is to be a Board of Management, and, consequently, it will not stand in the position of an employer. If it were a Board of employers, it could not discharge many of the functions which it will be able to discharge as a Board of Management. The objection urged by Mr. McLachlan to the creation of a Board of Management is that it would lack elasticity. But the idea underlying this Bill is that the Board shall be vested with greater powers than has hitherto been reposed in the Public Service Commissioner. In that way it will possess greater elasticity, whilst the suspicion of autocracy will be avoided. We must also bear in mind that our civil servants are taxpayers, and that they have a perfect right to a voice in this matter. If the proposed Board can better achieve its aims in the matter of insuring efficiency and a more contented Service, by our public servants being granted equal representation upon it, the Minister's argument, that even one representative of the Service on the Board ought not to be asked for, will be destroyed.

Senator PEARCE.—If it can. But the honorable senator has to first establish that fact.

Senator SENIOR.—The Minister's interjection demands that I should establish it. The reason for substituting the proposed Board for the Public Service

Commission is a desire to secure the advantages of which I have just spoken. Otherwise we should be merely substituting three Commissioners for one, and thus imposing an additional burden upon the taxpayers without any corresponding advantages whatever. But if the Board is to be clothed with powers even beyond those set out in clause 11, it may become the medium for the settlement of disputes as well as the business manager of the Service, whilst at the same time it may safeguard the interests of public servants themselves. I would direct attention to the fact that, in connexion with the Admiralty to-day, there is a Board upon which the Admiralty Service has one representative out of three.

Senator PEARCE.—That is a consultative Board.

Senator SENIOR.—But in this Bill no provision is made for consulting the Public Service, which is to be controlled.

Senator PEARCE.—The Service is not excluded.

Senator SENIOR.—The Minister's interjection is a very illuminating one. True, that the Service is not excluded, but it is not included. In New Zealand the Public Service has one representative out of three upon its Board of Management.

Senator PEARCE.—I know that that information has been supplied to the honorable senator, but it is not accurate.

Senator SENIOR.—I think that the Minister will find that it is not very far from being accurate. Under this Bill a Board of Management is to be constituted, and it should view matters not merely from the stand-point of the controlling authority but from that of the controlled as well. Beyond that, I see very little in the Bill except the substitution of the word "Board" for "Commissioner."

Senator FOSTER.—Is the honorable senator's chief objection to the Board the expenditure that will be involved?

Senator SENIOR.—No. My objection to the Board is that if it is to express only the narrow view with which the Minister seems to be obsessed, it will prove a costly substitute for the Public Service Commissioner. But if it is to partake of an inclusive character, it will be so acceptable to the civil servants that it will obviate much of the litigation which, hitherto, has proved costly, not only to themselves, but to the Government.

Senator FOSTER.—Can the honorable senator point to any business corporation in the world upon which so little is spent in management—from the stand-point of the top salaries that are paid—as is spent upon our Public Service?

Senator SENIOR.—I thank the honorable senator for his interjection. A strong plea has been made for economy, and various comparisons have been instituted. I do not hesitate to say that the Public Service of the Commonwealth will not suffer by comparison with any private institution. Take our Taxation Department, by way of illustration. It must be admitted that there is no private firm in Australia which handles such a large amount of business as does that Department. If we look at the staffs which are employed by the various banks and insurance societies, and if we recall the commodious establishments in which they are housed, and then stroll down to Elizabeth House, we cannot fail to be impressed by the difference in the conditions which obtain there. I know one taxation officer who is housed in what was originally a bootmaking establishment. Instead of the Public Service being extravagant, it is penurious from the stand-point of the accommodation which it provides for its employees; and instead of being overmanned, almost any insurance company, doing only a reasonable amount of business, has more employees upon its pay-sheet. This remark does not apply to one Department only—it applies throughout the Service.

Senator J. F. GUTHRIE.—Why does the honorable senator compare the Taxation Department with an insurance company?

Senator SENIOR.—Take our Taxation Department. No insurance company does anything like the volume of business that is transacted by our Taxation Department, and yet that Department employs fewer hands. So that the cry about the lack of economy falls to the ground when a comparison is instituted.

Senator WILSON.—That is the honorable senator's opinion.

Senator SENIOR.—And it is an opinion which has been forced upon me as the result of investigation.

Senator WILSON.—The honorable senator has not gone into the matter very deeply.

Senator SENIOR.—Take the firm of Elder, Smith and Company, or Dalgety and Company, as an illustration.

Senator WILSON.—The honorable senator has selected two of the best-managed businesses in Australia.

Senator SENIOR.—Undoubtedly. Compare the volume of their business with that done by the Taxation Department, and yet I venture to say that they have more men upon their pay-sheets than has that Department.

Senator DUNCAN.—Query!

Senator FOSTER.—Does the honorable senator suggest that the men in Dalgety and Company's do not work as hard as do our public servants?

Senator SENIOR.—I am suggesting that the cry which has been raised in regard to economy does not hold good. We must not lose sight of the fact that the private expenditure of such firms is, after all, as much the expenditure of public money as expenditure by the Commonwealth Government is.

Senator WILSON.—Do you suggest that a firm like that of Elder, Smith, and Company is overmanned?

Senator SENIOR.—My point is that, compared with that firm, the Commonwealth is undermanned for the transaction of an equal amount of business.

Senator WILSON.—You will not get anybody to agree with you.

Senator SENIOR.—That may be so; but every man must at times find that he stands alone in his opinion. A great deal of the talk about the Public Service being overmanned is absolutely groundless. Somebody has said it in the first place, and then others have repeated it.

Senator WILSON.—It is very interesting to learn that these capitalistic firms are overmanned.

Senator SENIOR.—I am merely making the comparison to show that for the same volume of business the Commonwealth is undermanned. I am not in a position to say that those firms are overmanned; but I am in a position to say that for the volume of business it does the Commonwealth Service is certainly not overmanned.

Senator FOSTER.—You are not suggesting that Dalgety and Company are public philanthropists?

Senator SENIOR.—I am suggesting that they are handling money derived from the public just the same as the Commonwealth handles money derived from the public by taxation.

The PRESIDENT (Senator the Hon. T. Givens).—Order! What the honorable senator is discussing may be very interesting, but it is beside the question.

Senator SENIOR.—I wish to combat the assertions so often made that the Government Service is overmanned, that there is a lack of economy, and that there are in the Service a number of individuals who are doing nothing, with others watching them.

It will be necessary, in dealing in Committee with this machinery Bill, seeing that we know nothing of the contents of the other Bill which is to be brought before us, to effect alterations which experience has proved to be necessary, in order to make the Public Service Act workable. The mere substitution of a Board of Management for a Commissioner will not meet all that is necessary. In Committee we shall have to take up and amend those clauses in which certain important principles are at stake, and which are opened up for our consideration by the substitution of the words "Board of Management" for "Commissioner." In the meantime, the proposition narrows itself down to the advantages to be gained by substituting a Board for the Commissioner. Mr. McLachlan speaks very strongly in his report on the advantages of having a Commissioner as against a Board. On page 27 he says—

It has, however, become evident that an inspection staff, which might have been numerically sufficient in the earlier years of Federation, has, with the large increase in departmental staffs and the greater complexity of Public Service questions, proved to be now inadequate. The pressure of official duties upon the Public Service inspectors has reacted upon the Commissioner, who must of necessity pass in review much of the work of his inspectors and accept the final responsibility for all administrative action.

That statement can be further stressed by the fact that the inspectors have had allotted to them a number of other duties besides those originally assigned to them as inspectors, until they become unable to do their own work as adequately and thoroughly as Parliament desired in the first instance that it should be done. On this point Mr. McLachlan observes, further down on the same page:—

For the proper discharge of the duties proposed to be carried out under the new arrangements relating to Public Service management, provision should be made as follows:—Public Service Commissioner; Assistant Public Service

Commissioner; Public Service Inspectors (7), viz.:—Central Staffs, New South Wales, Victoria and Tasmania, Queensland, South Australia, Western Australia, Special Service.

Since economy is in the air, we must consider whether it would be more economical to have that increased staff which an experienced officer says is necessary to carry on this business, or to have the Board proposed by the Bill. The Board must also have many of the officers who, in Mr. McLachlan's opinion, are necessary to a Commissioner. We must decide which of the two systems will be the more economical, and which will be the more effective in handling the Public Service. That seems to be really the crucial proposition for us to consider.

Senator WILSON.—The one which was more efficient would be the more economical.

Senator SENIOR.—Not necessarily so. An inspectorial service as designed by the ex-Commissioner, although effective from the point of view of supervision, might not be efficient from the point of view of management. Under Mr. McLachlan's scheme the Commissioner might be able to tell, down to the last detail, how many men were in the Service and how they were performing their duties, but it would not follow that his system of management was better than that of the Board. The Public Service Commissioner is to all intents and purposes a supervisor or over-looker, but the Board as designed in the Bill is intended to be a Board of Management, which goes very much further. The Commissioner may be much more efficient and effective as a Service control, and it is for that reason that we ought to revise the whole of the Public Service Act most carefully.

If we believe the Board will be the more satisfactory system, we must so mould it that it will be not simply an employer of labour, but a power that will care for the welfare and advancement of those who are working under it. That idea is suggested in clause 11, in the paragraph which sets out, among the functions of the Board, "the improvement of the training of officers." That is a function which would not come under the purview of a Public Service Commissioner, but would not appertain to a Board of management. I draw attention to the difference between the duties or functions which Mr. McLachlan considers that a Commissioner should have, and those of

the proposed Board as outlined in clause 11. Mr. McLachlan, on page 30 of his report, divides into twenty-two headings what he considers would be the functions of a Commissioner. On reading these carefully, I cannot see that they go one step further than the present Commissionership as created by the Public Service Act. Although Mr. McLachlan has brought to bear on his report the experience that he gained during the years he was Commissioner, and has undoubtedly collaborated with the gentleman who is now acting as Commissioner, his suggestions in that regard would not advance the Service, in the sense of control or oversight, by one step. But clause 11 of the Bill, nebulous, misty and unclarified as it is, does present an opportunity to make the Service very much better than it is. Under it, the outlook or vision of the Board will be very much broader than that of the Commissioner, and will take in many aspects, tending to the well-being of the Public Service, that are altogether hidden from the view of the Commissioner. In every sense I feel that the Board of Management will be preferable to the present idea of a Commissioner, even strengthened in the direction suggested by Mr. McLachlan.

The PRESIDENT (Senator the Hon. T. Givens).—Order! The honorable senator has exhausted his time. I find that Senator Elliott, who has just risen, has already spoken on this Bill.

Senator PEARCE (Western Australia—Minister for Defence) [2.58].—Several honorable senators seem to be of opinion that this Bill should have awaited the bringing forward of the Bill for the general amendment of the Public Service Act. I do not share that opinion. We have had for some years—in fact right through the war—an Acting Public Service Commissioner. Anybody who reads Mr. McLachlan's report will see what his view is of that state of things. It is most undesirable, and has not been satisfactory to anybody. If we were to appoint a Commissioner he would have to be appointed for seven years under the Act, and that would not be desirable if we intended to amend the Act. It seems to me that the right thing to do, as the Government have made up their minds, is to seek the consent of Parliament to the creation of a Board of Management

as recommended by the Economics Commission. If Parliament does not agree to that, but prefers to have a Public Service Commissioner, it has an opportunity to say so in this Bill, but to hold up this Bill until the main amendments of the Public Service Act come forward is unnecessary. The two things are not necessarily bound up together. There is a Public Service to-day, and there is a Public Service Act. Some honorable senators speak as if those things will not come into being until we pass the amendments of the Public Service Act. The Board of Management, if created, will have something to go upon straight away.

Senator Thomas asked what Departments are to come under the Public Service Act. Certain Departments are under it now, and it is proposed to extend its scope to cover other Departments and sub-Departments. I can give one instance and that is the Defence Department. There is a number of employees of the Defence Department who are not at present under the Public Service Act, but who will be brought under the Act by the amending Bill. There is no reason why they should not be under the Act. The honorable senator further said that the Board of Management should know what powers they will have. The powers they will have are set out in the Public Service Act, and they will know what those powers are, and also the additional powers they will have under this Bill.

It is quite possible that before Parliament passes the main Public Service Bill we may be able to make appointments to the proposed Board of Management. In that event we shall be able to secure the advice of the members of the Board and any suggestions they might have to offer for the amendment of the existing law.

Senator SENIOR.—Rather than the advice of men who have been working under the existing Act?

Senator PEARCE.—Yes. Honorable senators are aware that I have had some experience as a Minister of the Crown. I have had experience of the results of commencing a factory and then appointing a manager of it, and also of the results of first appointing a manager and then establishing the factory. Senator J. F. Guthrie yesterday spoke of one of our factories, the Geelong Woollen Mills, as a very great success. Before anything was done in connexion with the

establishment of those mills a manager was appointed. Every step taken in connexion with the establishment of the mills was then taken on the advice of the expert who knew all about the business. Where we built a factory first and then appointed a manager we had nothing but trouble.

Senator SENIOR.—The manager of the Woollen Mills had worked in a factory for many years before.

Senator PEARCE.—Of course, he had; and the persons appointed as members of the proposed Board of Management will not be new chums, but men of business experience.

Senators Fairbairn, Senior, and others have put forward a view which is worthy of consideration. They suggest that the Public Service Association should have the right to nominate a number of persons, one of whom should be selected as a member of the Board of Management. That is a novel proposal, but I agree that it is well worthy of consideration. Honorable senators have received a circular sent round by the Public Service associations and signed by a number of their representatives. In that circular certain allegations are made. The authors of it say—

The Public Services throughout the world have realized of late the necessity for appointing Boards of Management to control the various Public Services.

They go on to say—

The great Public Service of the United Kingdom, upon which the Public Service of this country is supposed to be modelled, some little time ago appointed a Board, on the basis of the Whitley Commission report, to control the Public Service.

In view of the first quotation I have made, I venture to say that any one reading the passage last quoted would naturally come to the conclusion that the Board there referred to is a Board of Management. I shall show what it really is later on. The circular proceeds—

The Board appointed consists of equal representation from the officers of the Service and equal representation by the Government. Reports to hand from this body show that the result of their labours has proved entirely satisfactory to the Government of Great Britain, and arrangements are now being made in England to extend this principle by having Boards to control the activity of various Departments. It is proposed to grant representation to the officers on these Boards. Our request is that

we should have but one representative on the Board of three, whereas in Great Britain they have equal representation, with an independent chairman nominated by the Government.

Then reference is made to the action, not merely the opinion, of the New Zealand Government, in these terms—

The action of the New Zealand Government is also worthy of note in connexion with this matter. In connexion with the last vacancy which occurred on the Public Service Board of New Zealand, the Public Service Associations made representations to the Prime Minister of New Zealand, with a view to being permitted to nominate a representative to fill the vacant Commissionership. The Prime Minister of New Zealand agreed, and on their Board of Management of three they now have a representative of the officers of the Service.

The authors of the circular say, further:—

It is also interesting to note that the Western Australian Government have offered to the State public servants now on strike as one of the terms on which the strike should be settled the appointment of a Board to control the Service, upon which the officers should have equal representation. This decision was arrived at, it is understood, as the result of a special meeting of Cabinet.

First of all, let me say that in Great Britain there is no Public Service Commissioner such as is provided by our Public Service Act, and no such control as is provided for under this Bill. They have nothing analogous to what is proposed here. The Public Service in Great Britain is administered by the Department of the Treasury and not by a Public Service Commissioner or Board of Management. The circular of the Public Service Associations evidently refers to the Whitley Councils, on which the Public Service is given representation on an Advisory Board. I shall elaborate that matter later.

Referring to New Zealand, there is at present there a Public Service Commissioner and two Assistant Commissioners, and a proposal has been made that one of the three should be a representative of the employees of the Public Service. We have in the possession of the Department a report published by the Public Service associations of New Zealand, in which reference is made to the fact that that representation was brought before the Prime Minister; but there is in the report no statement by the Prime Minister of New Zealand that he accepted the proposition. On the contrary, his reply was

Senator Pearce.

very non-committal, and no one can say, from reading it, that he committed himself to the proposition.

In the case of Western Australia, the only information I have is obtained from the public press, and my reading of what has appeared in the public press leads me to believe that what has been proposed there is not a Board of Management at all, but something equivalent to a Wages Board, to deal with the recent classification scheme drawn up by the Public Service Commissioner of Western Australia. The Board proposed will not have any power of control, and will have the power only to make recommendations in regard to classifications.

Senator NEWLAND.—It is doubtful whether it will be a permanent Board.

Senator PEARCE.—That is so. It may be only a Board to deal with the existing classification which led to the recent strike.

I protest against this circular, suggesting as it does misleading inferences, being put into the hands of members of Parliament. It is an insult to their intelligence. It assumes that they have no recourse to the press, and that we have not in our Parliamentary Library any documents from which we can discover what are the facts in connexion with these matters. I have some documents here from which I shall make a few quotations to inform honorable senators as to what is the exact position. I have here reports upon the application of the Whitley report to the administrative Departments of the Civil Service that were presented to the Parliament of the United Kingdom. I shall deal with them in the order in which they were presented. The first was presented on 7th March, 1919. This is from a report of a sub-committee of the Inter-Departmental Committee on the application of the Whitley Report to Government establishments. They say in paragraph 5—

We conceive that the main objects of establishing a system of Whitley councils for the administrative departments are to secure a greater measure of co-operation between the State in its capacity as employer and the general body of civil servants in matters affecting the Civil Service with a view to increased efficiency in the public service combined with the well-being of those employed; to provide machinery for the ventilation of grievances; and, generally, to bring together, with a view to the free discussion of many

diverse and complex problems, the experience from different points of view of representatives of the many grades and classes constituting the administrative, clerical, and manipulative Civil Service of the country. We assume that the great majority of the civil servants who desire to see Whitley principles applied to the administrative departments have these objects in view. It is, however, possible that the scheme may have received support under the impression that its adoption will give civil servants a deciding voice in the settlement of their own remuneration and conditions of service. Any such proposal would, of course, mean the abandonment by the Government of an essential part of the functions which it exercises on behalf of the community as a whole, and its effect could not be confined to the Civil Service.

That is exactly the opposite of the inference which might naturally be drawn from the circular of our Public Service associations. The report goes on to say—

In submitting, therefore, our recommendations for the formation of Joint Bodies and for a definition of their functions so far as possible pending further experience, we consider that a clear statement of these limitations should be made here, in order to remove any misleading impression which may otherwise be created in the minds of those interested.

(6) General Considerations.—With a view to a clear understanding of the questions before us, we think it necessary to draw attention in the following paragraphs to certain general considerations which have a close bearing on the problem.

(7) Differences between public and private employment.—It must be frankly recognised at the outset that there are important and vital differences between public and private employment which must necessarily modify the application to Government Departments of proposals intended and designed for private industry. Among the principal differences are—

- (1) The fact that the State is the ultimate employer of Government servants through the heads of departments who, consequently, have not the freedom of decision in regard to wages and conditions enjoyed by the private employer.
- (2) The absence of the check imposed by considerations of profit and loss and its replacement by Treasury control which, so far as questions of remuneration are concerned, is now subject to an appeal to the Conciliation and Arbitration Board for Government employees.
- (3) The fact that an employee in a Government office is not merely a private individual in public employment, but is in a very real sense a servant of the public, and as such has assumed obligations which to some extent necessarily limit his ordinary rights as a private citizen.

I hope that honorable senators will pardon me reading this matter, but I think it is very essential that it should go on record. The report continues—

(8) A most important function of a Whitley Council of the ordinary industrial type is to overcome differences which arise between the conflicting interests of employers on the one hand and employees on the other, in a particular trade. In the Civil Service there is, in fact, no employer apart from the State, and no particular trade. An industrial Joint Council is composed of representatives of the various associations of employers and work-people in the trade. Each side of the Council as a whole has a community of interest often different from that of the other side. In the Public Service there is no definite opposition of interests in this sense. Heads of Departments, whether Ministerial or permanent, have no personal incentive to oppose the demands of the employees, while, on the other hand, the latter are split up into many grades with divergent and often opposing interests, the community between them being mainly the fact of common employment by the State.

(9) Ministerial Responsibility.—Considerations of the kind indicated above point, in our opinion, to the need of a clear recognition of the important principle that as Public Departments should be administered for the benefit of the public, and the Minister in charge of a particular Department is responsible to Parliament for its being so administered, the control of the Minister must remain unimpaired, and that he must continue as in the past to exercise his powers unfettered by any restrictions other than those incidental to ultimate parliamentary control.

Joint Bodies for the Administrative Departments should be consultative and should have no Executive powers.—It follows, in our opinion, that any Joint Bodies set up for the Administrative Departments should be purely consultative and should not be invested with any executive powers. It is obvious that a Minister would be placed in an impossible position if he were bound in any way by a decision to which his subordinates were parties, even though he felt unable to defend it. The maintenance of Ministerial responsibility to Parliament presupposes that a Minister shall be free to accept or reject the conclusions of any Joint Council or Committee, even if they are unanimous.

The sub-Committee responsible for this report go on to set out how the Boards should be selected, their relations with the Treasury; and then, in paragraph 24 they deal with its functions, and say—

Functions.—We do not think it advisable to lay down in advance a close definition of subjects with which the National Council should deal. The Whitley Report itself merely indicates the general line on which developments should proceed. It is desirable, however, to point out the general scope of the Council's work in certain directions, and it

has been found more convenient to do this under the headings of certain subjects later in the report (paragraphs 26, 27, and 44).

Those paragraphs deal with matters to which I have already referred. The report continues—

(25) The National Council must necessarily be a consultative and advisory body only (see paragraph 9), but in so far as its recommendations are unanimous they will naturally carry weight with the Government and heads of Departments, upon whom, however, must continue to fall the constitutional responsibility to Parliament for their adoption and application. Generally speaking, the National Council should be concerned with broad and important questions affecting the Civil Service as a whole, such as organization, recruitment, conditions of service, &c. It should not be directly concerned with matters which are at present within the discretion of individual Departments.

Paragraph 27 sets out the lines on which they think the National Council should develop. The portion dealing with that aspect is as follows:—

(i) Provision of the best means for utilizing the ideas and experience of the staff.

(ii) Means for securing to the staff a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out.

(iii) Consideration of the general principles governing conditions of service, *e.g.*, recruitment, hours, promotion, salary, and superannuation.

(iv) The encouragement of further education of civil servants and their training in higher administration and business organization.

(v) Improvement of office machinery and organization and the provision of opportunities for the full consideration of suggestions by the staff on this subject.

(vi) Proposed legislation so far as it has a bearing upon the position of the Civil Service.

Referring to the subjects to be excluded from the questions to be dealt with, they say, in regard to remuneration—

Questions of remuneration will naturally come up for discussion at joint bodies. These questions often involve consideration of a very technical and complex character, and their satisfactory solution calls for an intimate and general knowledge of terms and conditions both within and without the Civil Service. We hope that such discussion will result in a material diminution of the number of cases referred for hearing to the Conciliation and Arbitration Board. Questions affecting the remuneration and grades common to the Service should only be raised at the National Council (paragraph 26), and it may be advisable to set up inside Departments separate committees to discuss the pay of controlling and supervising officers (paragraph 36). A Departmental, District, or Sectional Committee will normally only be concerned with the remuneration of a grade peculiar to the Department or branch respectively.

Senator Pearce.

In regard to promotions, they say practically the same. The summary of their main conclusions and recommendations is as follows:—

(a) The main object of establishing joint bodies for the administrative Departments are to secure greater co-operation between the State as employer and the general body of civil servants, so as to promote increased efficiency in the Public Service and the well-being of those employed, to provide machinery for the ventilation of grievances, and to enable all grades and classes to contribute their views and experience on many technical and difficult problems (paragraph 5).

(b) In view of the essential differences between public and private employment (paragraph 7) and the need for maintaining Ministerial responsibility and parliamentary control, the joint bodies must be consultative and must not be invested with any executive functions (paragraph 9).

There is no comparison between a body such as that and the Board proposed to be set up by this Bill. With all that is proposed in this document I have quoted I am in thorough agreement, but there will be nothing to prevent our Public Service Board of Management giving effect to everything that is being done in the United Kingdom, and I think they would be very wise in doing so. At any rate, they are the body to bring such a Board into existence, but as it is in Great Britain it should be a purely consultative and advisory body.

Senator SENIOR.—Where, in the Bill, is the power to constitute such a body?

Senator PEARCE.—Under clause 11 the Board of Management has imposed upon it the duty of devising means for effecting economies and promoting efficiency in the management and working of Departments by improved organization and procedure. Under that authority it would be well advised to form Boards such as the Whitley Councils of Great Britain for consultative and advisory purposes. But it cannot be argued that the Whitley Councils are in any sense Boards similar to our proposed Board of Management. However, a Board on the lines of a Whitley Council would provide a proper channel upon which the Public Service associations could have full representation. On the Committee appointed in Great Britain to consider the application of the Whitley report to the Civil Service, there were fifteen official representatives and fifteen representatives of the various branches of the Civil Service associations. There is no reason why something of the sort could

not be set up in our Public Service. Personally, I would welcome it, and I think any sensible business Board would also welcome it, and derive a great deal of assistance from it. But supposing Senator Senior's suggestion to have a nominee of the Public Service associations appointed to the Board of Management were adopted, and as the managers are to be nominated for three years, four years, and five years respectively, assuming that the person nominated by the Public Service associations is appointed for three years, who will be his masters? Obviously, not the general body of taxpayers. He will be the creature of the Public Service associations, and if he wishes to secure re-appointment his task will not be to please the taxpayers, or the Government, or Parliament, but the Public Service. I have no wish to be offensive, but I maintain that, as a member of the Board of Management, such a man would be nothing more than a spy for the Public Service, and would simply be occupying the position for the purpose of ventilating grievances. Furthermore, instead of the Board of Management being in the position to do the work it is intended to carry out—that of making the Service efficient and of advising the Government on contracts—its time would be occupied in the consideration of petty grievances.

Senator WILSON.—That would depend on the class of men appointed.

Senator PEARCE.—But the nominee of the Public Service would be looked upon as the mouthpiece of the Public Service and as their champion on every case they chose to send to him, and at the end of three years, if he did not do what they wished, they would nominate some one else who would carry out their wishes and champion their rights. There is already, under the Public Service Act, a Board on which the Public Service has direct representation, and which has the task of remedying grievances.

Senator SENIOR.—That is an Appeal Board; a very different thing.

Senator PEARCE.—Yes. It is an Appeal Board, and the body before which the Public Service should appear to have all these matters considered. If we give representation to the Public Service on the Board of Management, grievances, instead of being finally dealt with by the Appeal Board, will be sent on to the Board of Management in all cases where the public servants are dissatisfied with

the finding of the Appeal Boards. Consequently, the time of the Board of Management may be spent in settling an endless number of appeals from the lesser Boards.

Senator SENIOR.—Evidently cure is better than prevention.

Senator PEARCE.—If we have a Board of Management of the kind suggested by the honorable senator, there will be something to cure. In this regard the public servant must take his position with the other taxpayers of the country. He has no more right to representation on the Board of Management, who are the trustees for the taxpayers of the country, than any other section of the community. To give 30,000 taxpayers in this country special representation on this Board of Management would be unjust to the balance of the taxpayers. It will be the duty of the Board of Management to represent the whole of the taxpayers and not a section of them.

Senator THOMAS.—I take it that in all probability there will be at least one man on the Board of Management who is a public servant.

Senator PEARCE.—It is quite possible that there may be two public servants on the Board; but, at any rate, they will not be at the beck and call of the Service generally. Senator Foll has suggested that in this regard we have set an example in the appointment of the Repatriation Commission. But such is not the case. The Repatriation Commission does not represent the employees of the Repatriation Department. To get an analogy with what Senator Senior suggests should be done, the Repatriation Commission would need to be elected by the employees of the Repatriation Department.

Senator FOLL.—My object in referring to the Repatriation Department was simply to point out that it was not necessary to have the Public Service Act in order to have a Department controlled by an outside Board.

Senator PEARCE.—I must have misunderstood the honorable senator. At any rate, Senator Senior quoted the Repatriation Department as an instance in which the Government had conceded special representation. We have not conceded special representation to the employees of the Department; they have no voice whatever in the selection of the Commission.

We all listened to the very interesting address delivered by Senator J. D. Millen in regard to the scientific testing of efficiency. No doubt an up-to-date Board of Management will be quite open to adopt any of the suggestions the honorable senator has made, and there will be nothing to prevent it from doing so.

Senator ELLIOTT has asked that the Board should have more direct power, but his suggestion raises a very important and difficult question. The more we load up a Board such as this with executive power, the less freedom it will have for acting as a Board of critics or a Board of advice on questions outside the Service, such as the fixing of contracts for supplies. If a Department proposes to enter upon a big contract for a building or the purchase of material, the Minister may submit the matter to the Board of Management for its advice, and they will be in a position to look at it from a critical point of view, and say whether they think the Department is wrong in proposing to do this or that, and recommend that it be done in quite a different way. If, on the other hand, we make the Board of Management the actual body to call for tenders and manage contracts, it would at once lose that freedom of criticism it would otherwise possess, and would be loaded up with executive power.

Senator SENIOR.—Is it proposed to give the Board the functions of a Supply and Tender Board?

Senator PEARCE.—Not necessarily. A Supply and Tender Board actually calls for tenders and accepts supplies. The Board of Management will advise a Department as to the best method of obtaining supplies, and upon the conditions under which it may be entering into any contract. If we load it up with executive work, naturally it will not be free to exercise a critical oversight over a Department's proposals or over the actual administration of a Department.

Senator WILSON.—The Board of Management will really be a finger post.

Senator PEARCE.—Yes, pointing the way, I hope, to efficiency and economy.

Senator ELLIOTT.—Could we not provide that this duty should only apply to contracts over a certain amount?

Senator PEARCE.—That would be unnecessary. The Board will merely

advise the Departments. If a Department wishes to obtain a quantity of boots, why should we worry the Board of Management by asking it to call for tenders for those boots? So long as it lays down the best means of obtaining the goods, and recommends safeguards which will secure to the Department the best value for the money spent, it will be quite unnecessary to load it up with the detail work of actually getting the boots and examining them on the receipt of them from the contractor.

Senator ELLIOTT.—When a Board makes a recommendation it is left to the discretion of the Minister to accept it. He may not exercise that discretion.

Senator PEARCE.—A Minister who is a fool or an autocrat might not do so, but one who knew of the existence of such a Board would take its advice before entering upon a contract. I welcomed the advent of the Business Board. Its advice was invaluable to the Defence Department. No Minister is going to blunder willingly into trouble, and perhaps bring his Ministerial life to an abrupt end. Here is a method by which he may avoid those pitfalls, and there is every inducement for him to avail himself of them.

Senator Foster raised the question of the facilities for training members of the Public Service after their entering. He put his finger upon the weak spot in our administration. The great bulk of our public servants enter the service between the ages of sixteen and eighteen years, so that they have not had a secondary education, and in time, unless means are made available to them, very few of those in the Service will have had more than a primary school education. This is not at all desirable. I believe it is an advantage to encourage entrance to the Service at an early age; but at the same time there is an obligation on those charged with its administration to provide the facilities for further education, especially among junior officers, and I think my late colleague (Mr. Webster) by the establishment of the Postal Institute had the germ of a very fine idea, although it was ridiculed severely by a section of the press. I hope it will be developed in the Public Service generally, so that all young men and young women in the Service will be given an opportunity for further advancement.

Senator THOMAS.—Have you any idea to what extent the Postal Institute was availed of?

Senator PEARCE.—I have no information on that point at all.

Senator SENIOR, in the course of his remarks, said that by passing this Bill we will be creating machinery without any knowledge of its functions. My reply is that I must assume he has not read the Public Service Act. The Board will be charged with the administration under the present Act.

Senator SENIOR.—And not the new Act?

Senator PEARCE.—And the new Act when it is passed.

Senator SENIOR.—Then there are to be two Public Service Acts.

Senator PEARCE.—Not at all. The existing Act will be maintained until the amending Bill is passed, and the Board will administer according to its provisions. Parliament may refuse to amend the Act for all I know.

Senator THOMAS.—We ought to have the amending Bill before us now.

Senator PEARCE.—I do not agree with the honorable senator at all. I think that when we have appointed this Board it is possible we shall get some valuable advice to guide us in the amendments necessary for the future working and greater efficiency of the Service.

Senator SENIOR also said that we would be creating two authorities, namely, the Board and the Arbitrator. We threshed this matter out on the other Bill, so I do not propose to go over the ground again. I may, however, point out to Senator SENIOR that this principle has been in operation for quite a long time, for while the Commonwealth Railways Commissioner controls the Commonwealth railway system, there has always been a Board of Appeal available to railway employees. Senator SENIOR never raised his voice against this principle before, and, therefore, I think he is now somewhat late in the day with his complaints.

Senator SENIOR has devoted considerable attention to Mr. McLachlan's report. I advise him to look at the list of things which Mr. McLachlan says the Public Service Commissioner has to deal with. Mr. McLachlan says that, notwithstanding the removal of many matters to

the Arbitration Court, the Public Service Commissioner has been overworked, and suggests the appointment of an assistant Commissioner. In view of this opinion Senator SENIOR will, I feel sure, realize that there is plenty of scope for the Board of Management in regard to the more efficient working of the Departments.

Question resolved in the affirmative.

Bill read a second time.

In Committee:

Clause 1 agreed to.

Progress reported.

SUPPLY BILL (No. 2) 1920-21.

Assent reported.

PAPERS.

The following papers were presented:—

Audit Act.—Transfers of amounts approved by the Governor-General in Council—Financial Year 1919-20—Dated 27th July, 1920.

Public Service Act.—Promotion of R. A. Fetherston, Department of Works and Railways.

ADJOURNMENT.

ORDER OF BUSINESS—WOOL CONTRACTS.

Senator PEARCE (Western Australia—Minister for Defence) [3.37].—In moving—

That the Senate do now adjourn,

I desire to say that, on Wednesday next, the first business to be taken will be the Quarantine Bill. Afterwards we shall resume the debate on the Public Service Bill, leaving the Science and Industries Bill as the third measure for consideration.

Senator J. F. GUTHRIE (Victoria) [3.38].—Can the Minister inform me when the documents relating to the contract with the Colonial Combining, Spinning, and Weaving Company and the report of the Central Wool Committee thereon will be made available?

Senator PEARCE (Western Australia—Minister for Defence) [3.39].—This matter is really in Senator MILLER's hands, and he is absent to-day, but I shall have inquiries made, and see if the documents can be made available by Wednesday next.

Question resolved in the affirmative.

Senate adjourned at 3.40 p.m.

House of Representatives.

Friday, 6 August, 1920.

The CLERK, reported the unavoidable absence of Mr. Speaker.

Mr. DEPUTY SPEAKER, (Hon. J. M. Chanter) took the chair at 11 a.m., and read prayers.

OUTPUT OF COAL.

Mr. CHARLTON.—Has the Prime Minister noticed the report in to-day's *Argus* to the effect that the miners have deliberately slowed down to reduce the output of coal, and is he aware that Mr. C. James, the District Superintendent of Railways in New South Wales reports that the April haulage of coal was 448,653 tons, the May haulage 568,771 tons, and the June haulage 489,250 tons? The July figures have not yet been ascertained, but I can say that they are in excess of those I have given, which Mr. James declares to be records, proving that there is no foundation for the newspaper statement.

Mr. HUGHES.—I have not seen the *Argus* statement, and am not in a position to say anything about the matter, since I know nothing of the facts.

Mr. CHARLTON.—It is the publication of misstatements maligning the men that is doing much to bring about trouble.

SUGAR REFINING.

Mr. MATHEWS.—Can the Prime Minister tell the House and the country when relief will be given to the sugar refiners? Men are out of work for want of raw sugar to refine. Can the right honorable gentleman say when the position will again be normal?

Mr. HUGHES.—My information is that the trouble has arisen through the lateness of the crop and the difficulty in bringing raw sugar to Melbourne; but as these have now been almost overcome, things will soon be normal. However, I shall ascertain the precise particulars for which the honorable member asks, and furnish them to the House at the next sitting.

POSTAL UNION CONFERENCE.

Mr. AUSTIN CHAPMAN.—I ask the Postmaster-General if Australia is to be represented at the Postal Union Conference to be held in Madrid, and, if so, who is to represent this country there?

Mr. WISE.—I have already said that the Secretary to the Postal Department, Mr. Oxenham, will do so.

Mr. AUSTIN CHAPMAN.—Who is going with him?

Mr. WISE.—No one.

Mr. AUSTIN CHAPMAN.—The honorable member should go.

BUTTER FAMINE IN NEW SOUTH WALES.

Mr. RILEY.—Is the Minister for Trade and Customs aware that there is a butter famine in New South Wales, and that the impression is strongly held that butter is being kept back to obtain higher prices for it? Can the honorable gentleman say when the position is likely to be relieved?

Mr. GREENE.—I understand that the butter which was put by in New South Wales for winter use has been practically exhausted, and that further supplies can be obtained only by drawing from Queensland. That can be done if those controlling the prices of butter in New South Wales will allow such prices to be charged as will enable butter to be bought in Queensland and brought to New South Wales.

SUBSCRIPTIONS TO LOANS.

Dr. MALONEY.—In view of the fact that it is not considered derogatory in the United Kingdom that the amount of allowances, salaries, and wages paid to the King, his Ministers, Judges of all the Courts, public servants, members of Parliament, officers and privates of the Navy and Army should be published and thus made widely known, will the Prime Minister request his Cabinet to consider the advisability of publishing, in a special number of the *Commonwealth Government Gazette*, a list of all persons in Australia who are in receipt of salary or wages of £750 per annum and upwards, as shown by the Federal income tax returns, giving the amount of income tax paid opposite the names of those who pay it, and showing also the value of war bonds

and stock of other loans held by each of these persons? Will he also make public similar information regarding the public, proprietary, and other companies of Australia, so that the citizens of this country may readily ascertain if such persons have done their duty to their country in its past and present difficulties?

Mr. HUGHES.—The answer to the question is "No."

WEALTH CENSUS.

Mr. TUDOR.—It is stated in the newspapers that a date has been fixed for the taking of the next census. Is it the intention of the Government to insert in the census form questions similar to those asked during the war, when a wealth census was taken?

Mr. HUGHES.—The matter has not been considered by the Government. The ordinary census is taken under a Statute. The honorable gentleman knows why the wealth census was taken, and he may be able to show reasons for taking another census of the kind. An opportunity will be given him to do so, and if he can make out a case, the Government will consider it.

TRADE AND CUSTOMS DEPARTMENT DEPUTATIONS.

Mr. WEST.—I wish to know from the Minister for Trade and Customs if he has been restored to his usual health, and, if so, whether he will explain why he has received some, and declined to receive other, deputations on the Tariff, which is of serious moment to the people of this country.

Mr. GREENE.—I believe that I have been restored to my usual health, but as there are only twenty-four hours in the day, and I am a busy man, I have to discriminate between deputations which appear to me to be important and those whose purposes can be served by the putting of their representations in writing.

Mr. WEST.—It depends on where a member sits in this Chamber.

Mr. GREENE.—I understand that the honorable member is interested in a deputation which has some connexion with plumbing.

Mr. WEST.—Plumbing only.

PARLIAMENTARY OFFICIALS.

Dr. MALONEY.—The Prime Minister courteously promised to obtain for me in-

formation respecting the salaries and wages paid to all the officials connected with Parliament; but the information which has been given concerns the officials of one House only, and if there has been any sweating, it has been in the Departments under the control of the President of the Senate. As the Estimates are coming on, I have a right to the whole of the information for which I asked.

Mr. HUGHES.—You have received the information you want respecting the officials of this House

Dr. MALONEY.—Some of it, not all. I have been side-tracked, I believe, by Senator Givens.

Mr. HUGHES.—I shall speak to Mr. President on the subject.

NAVY.

ROYAL AUSTRALIAN NAVY RATINGS—
FIRST LOWER DECK WELFARE JOINT
CONFERENCE—GRAND FLEET FUND—
BADGES, ROYAL AUSTRALIAN NAVAL
BRIGADE.

Mr. MARKS asked the Minister for the Navy, *upon notice*—

1. In furtherance of the question asked by the honorable member for Wentworth on the 29th July last as to the number of ex-Royal Navy ratings, time expired, from the Royal Australian Navy who are taking passage in the R.M.S. *Orontes* sailing on the 14th instant—what will be the number of ratings left awaiting return to England after the *Orontes* draft has left?

2. Is it a fact that there are ratings afloat in the Royal Australian Navy who, according to their agreements, should be in England on leave at the present time, but who cannot get any satisfaction from the Navy Board to their repeated requests?

Mr. LAIRD SMITH.—The answers to the honorable member's questions are as follow:—

1. Including ratings whose period of loan to the Royal Australian Navy will expire between present date and 31st December, 1920, the number is sixty-six.

2. There are certain ratings still serving in the Royal Australian Navy whose period of loan has expired. The exigencies of the Service render their retention necessary until reliefs are available.

Mr. MARKS asked the Minister for the Navy, *upon notice*—

1. Whether under the Welfare Report of the First Lower Deck Welfare Joint Committee, issued by the Navy Office on 16th February, 1920, clauses 4B, 11, 12, 13, 14, 20, 43, 49, 50, 60, 87, 93, 97, 101, have been referred to the Admiralty as therein stated?

2. If so, when may the Admiralty's decision thereon be expected?

Mr. LAIRD SMITH.—The answers to the honorable member's questions are as follow:—

1. Reply is in the affirmative.
2. Not known; but Admiralty will be asked to hasten decisions.

Mr. MARKS asked the Minister for the Navy, *upon notice*—

1. As H.M.A.S. *Australia*, *Sydney*, and *Melbourne* helped considerably in contributing material for the formation of the Grand Fleet Fund, has any portion of this fund been allocated to the Australian Navy?
2. If not, will representations be made to the Committee dealing with the distribution of this fund that the Australian Navy should participate?

Mr. LAIRD SMITH.—The answers to the honorable member's questions are as follow:—

1. Not so far as is known by the Naval Board.
2. Representations will be made as suggested.

Mr. MARKS asked the Minister for the Navy, *upon notice*—

Now that the Royal Australian Naval Brigade Reserve has been disbanded, and as a recognition of its splendid services in the past and during the war, will the Minister comply with the wish of officers and men who were retained for home service, that a badge may be issued to them?

Mr. LAIRD SMITH.—A badge has already been issued to members of the Royal Australian Naval Brigade who volunteered for active service, but were compulsorily retained for service in Australia.

EXTRA SITTING DAYS.

Mr. RILEY (for Mr. LAZZARINI) asked the Prime Minister, *upon notice*—

Whether, in order to get through Government business and allow time for private members' business, the Government will ask the House to meet on Thursday and Friday mornings at 10 o'clock?

Mr. HUGHES.—If it is found that the hours now fixed for sittings of the House do not permit of satisfactory progress being made with Government business, the question of asking the House to alter the existing arrangements will be considered by the Government. In this connexion, I would invite the honorable member's attention to the reply given by me to a question by the honorable member for Wakefield yesterday. I also desire to remind the honorable member that, on Friday last, when submitting a motion

to the House that on each sitting day, unless otherwise ordered, Government business should take precedence of general business, I intimated that the Government would be prepared to allow a week to private members' business at the close of the session.

PRICE OF SUGAR.

Mr. FOWLER (for Mr. PROWSE) asked the Minister for Trade and Customs, *upon notice*—

1. Whether it is a fact that white sugar is landed at Fremantle and sold at £49 per ton, and is railed to the port of Albany and sold at £50 17s. 9d. per ton?
2. If so, will the Minister now cause sugar to be landed direct at the port of Albany at the lower figure?

Mr. GREENE.—The answers to the honorable member's questions are as follow:—

1. Yes.
2. Inquiry is being made as to whether this can be done.

MILITARY BANDS.

Mr. MATHEWS asked the Minister representing the Minister for Defence, *upon notice*—

1. Is it a fact that the East St. Kilda Branch of the Australian Women's National League last November held a garden fête at the president's house, and that the Third Military District Band (Melbourne) was ordered to attend, and did so?
2. If so, is it a fact that the band has not been paid for its services?
3. If so, will the Minister inform the House why the band has not been paid, and when it will be paid?
4. Is it a fact that the proceeds of the fête were donated to charity?
5. If so, what charity or charities participated?
6. Did the Australian Women's National League Fund receive any of the proceeds?
7. If so, how much did the charity or charities and the league receive?

Sir GRANVILLE RYRIE. — Inquiries are being made in this matter, and a reply will be furnished when they are complete.

WAR SERVICE HOMES.

Mr. MARKS asked the Minister representing the Minister for Repatriation, *upon notice*—

1. Whether it is a fact that hundreds of returned members of the Australian Imperial Force have entered into contracts for the purchase of war service homes, relying on the announcement in the repatriation magazine and in the press that the amount allowed for the

same had been raised from £700 to £800, and that, in many cases, the vendors are pressing for completion?

2. If the amount has been so increased, when may a definite announcement be expected respecting same?

Mr. POYNTON.—The Government has announced its intention of inviting the House to increase the present limit from £700 to £800, and a Bill to give effect to this will shortly be introduced.

SOLDIERS' GRAVES IN AUSTRALIA.

Mr. HECTOR LAMOND asked the Minister representing the Minister for Defence, *upon notice*—

Whether he will arrange for the erection of crosses over the unmarked graves of soldiers buried in the Commonwealth?

Sir GRANVILLE RYRIE.—Replies which have now been received from the next of kin of returned soldiers buried in the Commonwealth disclose that there are some 400 or 500 with incomplete graves. Action which would involve the concurrence of the next of kin is now being considered.

FEDERAL CAPITAL.

Mr. JACKSON asked the Prime Minister, *upon notice*—

In view of the fact that he has promised to bring in a Bill to provide for the Constitution Convention, will he insert a clause which will give the people of Australia an opportunity of expressing their opinion on the question of any further moneys being expended at Canberra?

Mr. HUGHES.—The Convention can, if it thinks fit, recommend the amendment of the section of the Constitution providing for a Federal Capital.

PAPER.

The following paper was presented:—

Audit Act.—Transfers of amounts approved by the Governor-General in Council—Financial year 1919-20—Dated 27th July, 1920.

CONCILIATION AND ARBITRATION BILL.

Mr. HUGHES (Bendigo—Prime Minister and Attorney-General) [11.18].—Before we proceed with other business, I should like an opportunity to move a motion which stands in the name of the Minister for Works and Railways (Mr. Groom), for leave to bring in a Bill to amend the Conciliation and Arbitration

Act. If leave be given, I shall lay the Bill on the table, a step which will be helpful to honorable members in the discussion of the Industrial Peace Bill.

Mr. TUDOR (Yarra) [11.19].—The honorable member for West Sydney (Mr. Ryan), who is ill and unable to be here to-day, has a notice of motion contingent on the motion which the Prime Minister desires to move. If the Prime Minister does move the motion on behalf of the Minister for Works and Railways, will it then be competent for any other honorable member, on behalf of the honorable member for West Sydney, to move that contingent notice of motion? My only desire is to guard the interests of honorable members on this side.

Mr. HUGHES.—That contingent notice of motion does not prevent the Bill being introduced. All I desire is to have the Bill read a first time, when it will be competent for an honorable member to move the motion in the name of the honorable member for West Sydney.

Motion (by Mr. HUGHES) agreed to—

That leave be given to bring in a Bill for an Act to amend the Commonwealth Conciliation and Arbitration Act 1904-18.

DISSENT FROM RULING.

Mr. DEPUTY SPEAKER (Hon. J. M. Chanter).—During the discussion on the Industrial Peace Bill yesterday, the honorable member for Melbourne Ports (Mr. Mathews) raised a point of order. The honorable member said that on a previous occasion I had given a ruling that the matter then under discussion was *sub judice*, and was therefore not in order, and he contended that the Industrial Peace Bill is not properly before the House, because there are 42 cases before, or about to come before, the Arbitration Court, and that these were therefore *sub judice*. The former case was entirely a personal one, dealing with an individual, and the case of the Industrial Peace Bill being altogether different, I ruled that it was properly before the House. It is now for the House to decide the question.

Mr. MATHEWS (Melbourne Ports) [11.24].—I move—

That Mr. Deputy Speaker's ruling—That the Industrial Peace Bill is properly before the House for discussion—be dissented from.

This is not a party question; as a matter of fact, I do not expect a vote from this

side of the House, while I claim every vote on the other side. I have been a member of this Chamber for fourteen years; and I have never before objected to a Speaker's ruling. My experience has shown me that if we keep to the Standing Orders in the conduct of debate, we are on sound lines, whereas, if we leave the Standing Orders and base our procedure on alleged established precedent, or partly established precedent, we find ourselves on dangerous ground. The Industrial Peace Bill is one that very much concerns Australia, and I am sorry to have to take an objection of this kind on such a measure. I might, however, have to wait a long time, or create an opportunity, to show how dangerous it is—though I might use stronger language—to accept by a party vote the ruling of the Speaker or Deputy Speaker, merely on some precedent that may have been established at some time or other, without considering the effects it may have on future developments here. As to the Jerger case, to which the Deputy Speaker has alluded, the peculiar point is that a discussion was allowed on it in another place, though it was ruled out of order here. On that occasion, when I was addressing the Chamber on the Jerger case, the Treasurer (Sir Joseph Cook) objected to my continuing.

MR. DEPUTY SPEAKER.—The honorable member must not discuss the Jerger case.

MR. MATHEWS.—I submit, that I must refer to that case in some slight degree, because my present action is based on the decision then given. The Treasurer made his objection on the ground that there was nothing in the Standing Orders that dealt with the point—that it was simply a question of taste. In order to stop the discussion you, sir, had to refer to the practice of the House of Commons, which, as we know, is based on precedents established in days gone by. To this I object; and submit that it is bad at law, or, at any rate, contrary to common sense, to rule that no matter what case is before a Court, or what is done in regard to it, that case shall not be discussed here. What is there particularly surrounding the name of Jerger that should make his case different from any other? The honorable member for West Sydney (Mr. Ryan), on the previous occasion, was not dealing with a case that was *sub judice*, but with a question that

was being dealt with by Sir Robert Garrahan, as to the guilt of Jerger, while the case before the Court was in reference to the powers of the Commonwealth to deport. Such a ruling, if allowed to stand, will block business and land us up against a brick wall; and I was surprised that it should have been supported by honorable members opposite. As I say, it was foolish to block our business in this way, when the desired end could have been obtained in another way, without establishing any dangerous precedent. I believe in majority rule, and if I had charge of the House, with a majority, I would insist on ruling the House, but I would do it in a proper way. I would not get a decision from the Speaker to block procedure, but would move that the honorable member addressing the House be no longer heard, or that "The question be now put." That course would not establish an undesirable precedent, involving trouble on future occasions. My desire now is merely to show how bad that previous decision was, and I submit that the present case is one on all-fours. The Industrial Peace Bill concerns hundreds of thousands of workers, whose cases are before the Arbitration Court, and, therefore, *sub judice*. Will anybody say that the Industrial Peace Bill does not affect the Arbitration Court? Is it not "in the air" here that the Court is likely to be done away with? At any rate, there are many honorable members opposite who believe that may be one of the results of this legislation, and if that be so, the Bill must be a deterrent to the carrying on of the business of the Court, and the giving of relief to the men who are before it. If the Jerger case was *sub judice* so are the present cases. As I said at the beginning, I do not expect votes from this side, but I do claim the votes of honorable members opposite, or an acknowledgment that they made a mistake in supporting the Deputy Speaker's ruling in the Jerger case. I appeal to the House in the interests of the progress of business to support the motion.

MR. TUDOR (Yarra) [11.30].—I am of opinion that your ruling, sir, was quite right; but it is absolutely opposed to the decision of the House with respect to a similar motion the other day.

MR. HECTOR LAMOND.—It is not.

MR. TUDOR.—I think I am entitled to my own opinion on the matter. I do not

propose to support the honorable member for Melbourne Ports (Mr. Mathews) in his dissent from Mr. Deputy Speaker's ruling; but he should certainly be able to claim the vote of every honorable member who supported the ruling and defeated the motion of dissent to which I have just alluded. However, if honorable members were now to carry this motion of dissent, the position would be that Parliament would not be able to discuss any Bill for the amendment of any Act which was involved in any Court case. I am convinced that honorable members behind the Government were in the wrong when they voted as they did the other day, but I do not propose to perpetuate that wrong by now placing myself in a false position. The honorable member for Melbourne Ports was rightly incensed at being prevented from discussing a case which, although it was held to be *sub judice*, was not *sub judice* in the ordinary acceptation of the term. However, no good can be gained at this stage by objecting to the House proceeding with the Industrial Peace Bill on the ground that its subject-matter is *sub judice*. I take the view that the Bill is rightly before this Chamber, and that Mr. Deputy Speaker is in the right in permitting debate upon it. It would be a very serious position if Parliament found that it was unable to amend the Arbitration Act so long as there was a single case pending before the Arbitration Court.

Mr. MATHEWS.—Hear, hear!

Mr. HECTOR LAMOND (Illawarra) [11.33].—The contention of the honorable member for Melbourne Ports (Mr. Mathews) that, because there are cases before the Federal Arbitration Court, this House has no right to discuss or legislate upon matters dealing with the subject of industrial unrest, has only to be stated in order to be ruled out of order. There is no connexion between his contention and the well-established practice of every British Parliament, namely, that while a case is actually before a Court, Parliament shall not be made a platform for the discussion of its merits or demerits—so, possibly, influencing the presiding Judge or the jury. There is nothing in the Industrial Peace Bill which could influence or interfere with the jurisdiction of the Arbitration Court in the matter of cases before it at this moment.

Mr. MATHEWS.—Nor was there in the matter of the Jerger case.

Mr. HECTOR LAMOND.—It is thoroughly well established that Parliament may not deal with matters which are *sub judice*; otherwise, there would be no such thing as trial by jury. Judgments would, in effect, be passed by politicians from the floor of Parliament, in that they would be inflaming the people either for or against a case in Court. Juries might easily be influenced; Judges themselves might be swayed; and there would be an end of British justice. The issue involved in the previous motion of dissent, to which allusion has been made, had to do with the point whether or not a certain case was *sub judice*. Whether it was or not I do not know; but the fact is that it was so reported to Mr. Speaker. And, if the case was *sub judice*, Parliament had no right to discuss it. However, I emphasize that there is no connexion between that matter and the issue raised by the present motion of dissent. I hope honorable members will vote unanimously against it.

Dr. MALONEY (Melbourne) [11.35].—I take the opportunity to protest against a decision of this House with respect to a recent ruling from the Chair. If honorable members who then voted in support of that ruling were right, they are bound now to stand behind the honorable member for Melbourne Ports (Mr. Mathews). A legal member of Cabinet said a certain case was *sub judice*. Two legal gentlemen on this side of the House said it was not *sub judice*. The Government could not be blamed for accepting the views of their advisers; but they must remember that the same technicality was not availed of in another place, where debate was freely permitted.

Mr. DEPUTY SPEAKER (Hon. J. M. Chanter).—Order! I ask the honorable member not to deal with that matter. The House has already decided it.

Dr. MALONEY.—The fact merely proves to my mind that honorable members who voted to uphold the ruling in question were wrong. However, the Industrial Peace Bill is urgent and possesses great potentialities, and I trust that the honorable member for Melbourne Ports will be satisfied with having made his protest and moved his motion of dissent.

Question resolved in the negative.

CONCILIATION AND ARBITRATION BILL.

Bill presented by Sir JOSEPH COOK for Mr. HUGHES.

Sir JOSEPH COOK (Parramatta—Treasurer) [11.36].—I move—

That this Bill be now read a first time. I desire to table with the measure a memorandum setting out the interpretation of its subject-matter.

Mr. TUDOR.—What will become of the contingent notice of motion of the honorable member for West Sydney (Mr. Ryan), to which I have already referred? Will the honorable member be enabled to move his motion at the second-reading stage?

Mr. DEPUTY SPEAKER.—The motion can be moved as an amendment.

Question resolved in the affirmative.

Bill read a first time.

INDUSTRIAL PEACE BILL.

SECOND READING.

Debate resumed from 5th August (*vide* page 3343), on motion by Mr. HUGHES—

That this Bill be now read a second time.

Mr. MAHONY (Dalley) [11.38].—I have been struck throughout the debate with the fact that very little attention has been devoted to the subject-matter of the Bill itself. Much of the discussion has been “up in the air.” I complain that the Prime Minister (Mr. Hughes) should have provided honorable members with such a meagre explanation of the provisions of this measure. The right honorable gentleman spoke of industrial unrest being world wide. Honorable members know all about that, and they know that Australia, perhaps, of all the countries in the world, is suffering the least from industrial unrest. The honorable member for Flinders (Mr. Bruce) spoke last night of the terrific amount of unrest existing in Great Britain and in France, and he pointed out how, in the former country, steps had been taken to deal with the problem. The honorable member referred to the establishment of the Whitley councils, but he really defeated his own arguments when he admitted that, despite their inauguration and wide activities, there is greater unrest in Britain to-day than ever before.

Mr. MAXWELL.—I do not think the honorable member said that.

Mr. MAHONY.—He stressed the point.

Mr. HILL.—The honorable member for Flinders remarked that industrial unrest was greater than in Australia.

Mr. MAHONY.—Honorable members know that ever since the inauguration of the Whitley councils industrial unrest has been intensified. I do not say that the fault is due to the establishment of those councils, or committees. In fact, the cause goes far deeper. Attempts to deal with industrial unrest are doomed to failure if we are going to limit those efforts to the fixing of wages and hours, while leaving the factor of the cost of living entirely untouched. As wages are increased, so does the cost of living rise. To-day the worker gets a slight increase in pay, and to-morrow his wife pays more than ever for the necessaries of life. We must go much more deeply into the whole business than merely to enter upon a discussion of increased wages. Whatever boards, or committees, or tribunals may be appointed, they must be invested with power, not only to fix wages and hours of labour, but to see that production and distribution costs are also properly controlled. It is a matter for regret that the Prime Minister could not see his way clear to accept the suggestion, made in good faith from this side of the House, that a conference of trade unions be called to consider this measure. Before any industrial legislation can succeed there must be established good-will and co-operation on the part of industrial bodies. What is the use of passing a Bill to control industries if the great organizations having to do with pastoral, agricultural, mining, and transport matters say, “We will have nothing to do with your legislation”? We shall not then be able to prevent industrial disputes; they will be intensified. Therefore, it is a matter for sincere regret that partyism compelled the Prime Minister (Mr. Hughes) to refuse the genuine overtures from this side of the House, which would have given an opportunity of passing legislation likely to receive the co-operation and hearty good will of the industrial organizations.

Certain vital principles must be observed before a success can be made of in-

dustrial legislation. The first essential is the recognition of the organizations. Having been all my life connected with labour organizations, I assure the House that no legislation can be a success that does not acknowledge that principle. With the recognition of the organizations must go the principle of preference to unionists. Without it we cannot hope for industrial peace, because we cannot have effective collective bargaining with a disorganized body. Those two fundamental principles must be recognised if this legislation is to have any possible chance of removing industrial unrest.

The Prime Minister said that this measure was based to a large extent on the experience gained of the ship-building tribunal, but he omitted to tell the House that an essential condition of the success of that tribunal is that preference to unionists has been granted to every union that is a party to the ship-building agreement. The Prime Minister said to the unions that if they were prepared to enter into the agreement offered by the Government a tribunal would be created, the unions would be recognised, and preference would be given to their members. It is not only ordinary preference, but an absolute monopoly of employment that has been given to the members of the trade organizations which are parties to the ship-building agreement. That is one of the principal reasons why the ship-building tribunal has been such a success, and has been able to avoid the stoppage of work on many occasions. Another factor making for its success is its accessibility, and the quickness with which it operates. It comprises a chairman, who is very acceptable to the workers, a representative of the Government as the employer, and a direct representative of the trade unions. After all, the success or failure of boards, councils, and courts depends to a large extent on the *personnel*, and especially on the chairman. Men of the type of the chairman of the ship-building tribunal, Mr. Conington, would do much to make a success of industrial arbitration and Wages Boards. That tribunal is right at hand, and the moment a dispute arises it is dealt with, without formalities or technicalities.

Sir GRANVILLE RYRIE.—Will not the tribunals under this Bill work in the same way?

Mr. MAHONY.—Not unless the provisions of the Bill are amended. I repeat that the success of the ship-building tribunal is due primarily to the recognition of trade organizations, and the giving of preference to unionists; and, secondly, to the accessibility of the Board, and the speed with which it works. Those are conditions for which we must provide in this measure if it is to have any possible chance of success.

The Bill provides for the creation of a Commonwealth Council. What is this Council to be, and what will be its functions and powers? The Bill says that it shall be constituted in a certain way, and that it shall make inquiries into various matters, but its powers stop short at inquiry. It is to have no power of making or enforcing awards. It seems to me ridiculous that a measure designed to remove industrial unrest should constitute a body with merely investigatory powers. The proposed Council is to have no really effective power for good; what is required is a body that has power, not only to inquire, but to make awards, and enforce its decisions. We have not been told whether the members of the Council are to be paid, or whether the body itself is to be permanent, or merely called into existence now and then at the whim of the Minister. The Prime Minister ought to enlighten the House upon those points. He should tell us also how the representatives of the employees are to be elected. The Bill provides that they "shall be appointed or elected in the prescribed manner." The trade unions are not prepared to buy a pig in a poke. We want an assurance that the trade organizations will have the right to elect their own representatives upon the Council and the Boards. We are not prepared to give to the Minister the right to prescribe by regulation whether such a representative shall be appointed or elected. This Bill gives the Minister power to appoint as representative of the employees somebody who may be bitterly hostile to trade unionism.

Mr. MATHEWS.—That has been done before.

Mr. MAHONY.—Of course it has. How can the trade unions be expected to

accept this measure when it does not provide that they shall be able to elect the representatives of the workers? If the Bill is not amended in that respect, the Government may as well withdraw it, because the unionists will have nothing to do with it. Another defect in the Bill is the absence of any definition of employee. It speaks of "representatives of employees," but an employee may mean anybody. In the history of industrial strife, there have been occasions when small bodies of men have broken away from the unions, and attempted to work in spite of them. Under this Bill the Minister would have the right to recognise those men as the employees in the industry. We shall not agree to that. If the Bill is to be acceptable to trade unionists, it must define an employee as a member of an organization in the industry.

Mr. POYNTON.—Would the honorable member shut out the soldier wharf labourers' organization, in New South Wales, which did good work during the war?

Mr. MAHONY.—If the Minister wishes to bring about industrial peace, he must recognise the trade union organizations. I am stating exactly the attitude which the unions adopt. If the Government choose to ignore these requests, they must take the consequences. It is well for the Government to understand clearly that certain fundamental principles must be embodied in the Bill before they can hope it will succeed. If the Government decide to recognise some small body of men formed for the specific purpose of defeating the aims and objects of the trade unions—

Mr. POYNTON.—There are 1,200 men in the organization to which I referred.

Mr. MAHONY.—Am I to infer that this measure has been framed with the idea of giving those men preference in employment, and the right to elect representatives on the Council and Boards?

Mr. POYNTON.—I have not said that.

Mr. MAHONY.—What other interpretation can I place on the Minister's remarks? In the trade unions in New South Wales, there are 50 per cent. more returned soldiers than there are in any other organizations. Therefore, the mere formation of a bogus organization in the name of returned soldiers will not get the Government out of their difficulty. Returned soldiers are the backbone of trade unionism. They represent 70 or 80 per

cent. of the unionists. These covert insults and sneers at the trade union movement will not help the Government to obtain industrial peace.

Then, again, we find that each District Council is to consist of a chairman and representatives of employees and employers, who are also "to be appointed or elected in the manner prescribed." That, likewise, is too indefinite from our point of view. We wish to have it declared in the Bill itself that the trade union organizations shall be entitled to elect to the District Councils the representatives of the employees. A peculiar feature of the Bill is that neither the Commonwealth Council nor the District Council will be able to do more than make inquiries. They will have no real power. Each will have a sort of roving commission—running about making inquiries and incurring useless expense without any possibility of being able to do good work. We cannot achieve industrial peace in this way. Neither the Commonwealth Council nor the District Councils, as provided for in the Bill, will be of any use in securing industrial peace.

I come now to a very important part of the Bill—that relating to the appointment of special tribunals. These, it seems to me, will alone have any real power. The provisions as to the Commonwealth Council and the creation of District Councils are mere padding, and the Government would have avoided waste of paper and time by omitting them. The only real bodies with any actual power for which this Bill provides are the special tribunals that may be created for the settlement of industrial disputes.

Mr. MARKS.—And the local Boards.

Mr. MAHONY.—I shall deal presently with those Boards. Clause 14 is most significant. It provides that—

A special tribunal shall consist of an equal number of representatives of employers and employees respectively, together with a chairman.

The Bill does not set out how or by whom these representatives are to be appointed or elected. I wish to make it quite clear that, so far as the Labour party is concerned, the absence of any provision in that regard gives rise to suspicion. The Labour party wants to know who are to elect the members of these special tribunals, and whom they are to represent.

Sir GRANVILLE RYRIE.—But the honorable member objects to the words "in the manner prescribed" in relation to the election of members of the Commonwealth Council and the District Councils.

Mr. MAHONY.—Certainly I do. I wish it to be laid down clearly that the trade union organizations shall elect the representatives of the employees.

Sir GRANVILLE RYRIE.—And what is to be done in regard to the election of representatives of the employers?

Mr. MAHONY.—They should be elected in precisely the same way by the Employers Associations. The Government have made provision for the election or appointment of representatives of employers and employees on bodies which will have no power, but we have nothing in the Bill to show how the members of the special tribunals, which will have almost unlimited power, are to be chosen.

No one will say that the trade unions of Australia are prepared to accept such a scheme. It is not even provided that these special tribunals "shall be elected in the manner prescribed." That significant fact, taken in conjunction with the interjection made a few moments ago by the Minister for Home and Territories (Mr. Poynton) in reference to a certain organization in Sydney, leads me to view with suspicion clause 14. If we agree to the Bill as it stands, the organization in Sydney to which the Minister referred may be held by the Government to represent the employees, and they may select from such organizations the employees' representatives on these tribunals. Therein lies the danger. Trade unionists cannot accept anything of the kind. If the Government are not going to set out clearly that the trade union organizations shall elect the representatives of the employees on the special tribunals, they might as well tear up the Bill. I tell them candidly that the coal miners organizations will not accept a measure which does not give them power to elect their own representatives, and the Transport Workers Federations of Australia, the Australian Workers Union, as well as other large organizations of labour, will take the same stand. The Bill is doomed to failure unless it be amended in the direction I suggest. If the Government really desire to pass a measure that will be acceptable to the trade unionists of the Commonwealth, they will do what I have urged.

The powers of these special tribunals will be extensive. It is declared in clause 15 that—

A special tribunal shall have cognisance—
(a) of any industrial dispute referred to it by the persons or associations parties thereto

Why is the word "persons" used? Is it intended that a small body of men who, as we say, have "scabbed" on their trade union organizations, shall have the right to move these special tribunals to take action? If so, the trade unions will have nothing to do with the Bill. Another important provision is that contained in clause 17—

Notwithstanding anything in this Act, if a special tribunal is satisfied that abnormal circumstances have arisen which affect the fundamental justice of any terms of an award made by the Court, the tribunal may set aside or vary any terms so affected.

That is a far-reaching power to give these special tribunals, particularly having regard to the fact that trade organizations are not given the right to elect their representatives to them. We are afraid of this power. We do not know where it may lead us. We do not know who may constitute one of these tribunals. Traditional enemies of the trade union movement may be appointed to them. We are not prepared, therefore, to give them this wide and practically unlimited power. It is interesting, also, to consider the effect that the giving of this power will have upon the Conciliation and Arbitration Court itself. The Bill does not propose to abolish that Court. It is to remain just as it is to-day.

Sir GRANVILLE RYRIE.—Some honorable members of the Opposition have said that the Bill will absolutely wipe out the Conciliation and Arbitration Court.

Mr. MAHONY.—That may be its ultimate effect; but I think that the honorable member for Fawkner (Mr. Maxwell), who is a lawyer, will agree that the Bill allows the Court to remain just as it is to-day.

Mr. MAXWELL.—That is so.

Mr. MAHONY.—Legally it does not abolish the Court, although in actual practice these special tribunals may supersede it.

Mr. MAXWELL.—It depends upon which tribunal industrialists who have disputes find the more suitable.

Mr. MAHONY.—And clause 17 gives the special tribunals power to vary awards of the Conciliation and Arbitration Court. In other words, a minor body constituted of laymen will have power to override the decisions of a Justice of the High Court sitting as President or Deputy President of the Arbitration Court. I ask the honorable member for Fawcner to give his attention to that aspect of the question. What would be the attitude of the learned President of the Arbitration Court if he found that his awards were subject to review by a body of laymen?

Mr. MARKS.—If a special tribunal is properly appointed, it will do much better than would any one single man.

Mr. MAHONY.—If it is properly appointed—if trade union organizations are allowed to directly elect their representatives to it—it will have a chance of success.

Sir GRANVILLE RYRIE.—The honorable member would give a special tribunal so elected power to vary anything.

Mr. MAHONY.—I do not say that. We are prepared to take a risk when representatives of the employees on a special tribunal are elected by trade union organizations, but we would not take the risk of allowing the Government to appoint as representatives of the employees men of whom we know nothing. We will not consent to members of the organization to which the Minister for Home and Territories alluded a few minutes ago being selected as representatives of the employees on these bodies. A Judge of the standing of the President of the Conciliation and Arbitration Court would not remain in that position for one moment if his decisions could be reviewed by a body such as is proposed in this clause.

Mr. MAXWELL.—I am inclined to agree with the honorable member.

Mr. MAHONY.—I thought that the honorable member would. I should be very surprised to learn that High Court Justices of such standing would retain their position as President or Deputy President of the Conciliation and Arbitration Court in such humiliating circumstances.

Mr. ATKINSON.—The position would be the same if the Conciliation and Arbitration Act were amended as the honorable member has suggested. He has urged that

the Court should be given power to vary its awards.

Mr. MAHONY.—It would be quite a different matter if the Court itself were given power to vary its own awards. The Court, with such a power, would prove very helpful. My own view is that if the Conciliation and Arbitration Court, with some improvements, were allowed to remain as it is to-day, and given power to vary its awards where necessary, it would prove a better means of dealing with industrial troubles than is provided for in the Bill. I am desirous that industrial machinery shall be provided which will be acceptable to the trade union movement, and will make industrial peace possible. The way to provide such machinery is to strengthen the Arbitration Court by giving it power to do those things which it now thinks should be done, but which it cannot do. It should be empowered to vary its awards, and to make inquiries affecting not only wages and hours of employment, but such other things as were indicated in the speech of the honorable member for Hunter (Mr. Charlton). I would give the Court power to appoint special tribunals. The measure gives this power to the proposed Commonwealth Council, but it is rightly the function of the Arbitration Court. That Court might perhaps be reinforced by the appointment of a representative of the employers and a representative of the employees to assist the President in the conduct of particular cases. The Court should be the body to delegate powers, when delegation was necessary. All the things proposed to be done under the measure could be done by the Arbitration Court were it clothed with the necessary powers. What is needed is a short measure, conferring these powers upon it. Then the learned President would exercise them at his discretion. He would be able to say: "Here is a dispute which, if not settled speedily, may plunge the country into industrial confusion. I shall therefore ask the trade unionists concerned to name representatives, and the employers concerned to name other representatives, to constitute a tribunal to go into the matter immediately." That would be a sensible way of dealing with disputes. By the Bill, the Government is practically shutting the door in the face of the trade union movement of Australia, and as one closely identified with that movement,

and knowing the feeling of its members, I say that that has created suspicion of the Bill. Last week, in conversation with prominent members of the trade union movement, I ascertained that they were prepared to give the measure a fair go; but when our offer of a conference of the movement to consider the measure was made to the Government, it was refused. The consideration that we suggested might have taken a week or a fortnight; but had it taken a month what would that have mattered if industrial peace and harmony had resulted therefrom? Now the trade union movement feels that the Government is not considering it, and that is why I am going through the measure closely and carefully, pointing out the defects of its various clauses. There is no machinery for the election of representatives to the special tribunals, a most suspicious circumstance in view of the action of the Government in refusing the conference for which we asked. Even at this late hour, the Government would be well advised to accept our offer, and call a conference of the trade union movement to consider the measure. Local Boards are to be appointed under the Bill, each of which is to consist of a chairman and an employers' representative and an employees' representative, and the members are to be appointed or elected "in the prescribed manner." We object to that, as we object to a similar provision in regard to the other bodies. We say that the Bill should clearly provide for the election of employees' representatives by the trade union organizations concerned. As to the powers of a local Board, clause 25 says—

Subject to this section the provisions of sections 16 to 18 (both inclusive) of this Act shall apply in relation to a local Board in like manner as they apply in relation to a special tribunal.

Under the sections referred to, a special tribunal has the power to review an award of the Arbitration Court, and therefore local Boards will have the same power. This heaps indignity after indignity on the head of the President of the Arbitration Court. Then, according to clause 27, any determination of the local Board shall be subject to review in the manner prescribed by the special tribunal in relation to which it is appointed. What will be the manner prescribed? The Prime Minister did not explain how these appeals were to

be made. We wish to know exactly how the machinery is to be worked. The trade union movement is not prepared to allow any decision of a local Board that may be favorable to its proposal to be carried before some other body by way of appeal, and perhaps upset. We want to know exactly what the provision means.

Mr. HUGHES.—I should say that the explanation is apparent from the context. The scope of the decision of a local tribunal would be very narrow, while that of a special tribunal might cover a whole industry. A local Board might, for example, be appointed in connexion with a dispute at the Hepburn or Bulli Colliery, and its decisions could hardly affect the whole of the coal mining industry. They would be confined to matters arising at the particular colliery, or, perhaps, at a group of collieries. It is not intended that the local tribunals shall upset the decision of the special tribunals, nor that the special tribunals shall review and upset the decisions of the local tribunals, unless the latter are, on the face of them, impossible for the industry. A decision of a local tribunal might be opposed to the interests of the men, and in that case they could appeal to the special tribunal.

Mr. MAHONY.—I accept the Prime Minister's explanation; but I should like the position to be made clear in the Bill. That he has said a certain thing will not subsequently affect the interpretation of the measure. If the only function of a local Board is to be to deal with some trivial tiddlewinking matter—

Mr. HUGHES.—Nearly all strikes have their beginning in a dispute at some particular place. A demarcation dispute is a tiddlewinking thing, but occasionally it leads to great trouble.

Mr. MAHONY.—The Prime Minister justifiably boasted of the success of the shipbuilding tribunal. One of the reasons for that success is that the tribunal's decision is final.

Mr. FOWLER.—The reason is that the tribunal's decisions are almost invariably in favour of the employees.

Mr. MAHONY.—It is that they are always fair and just.

Mr. HUGHES.—I think that the decisions are, on the whole, fair and just, and dictated by the evidence; though there may be a difference of opinion.

Mr. MAHONY.—The measure should clearly recognise the trade union organizations.

Mr. HUGHES.—The honorable member for Yarra (Mr. Tudor) mentioned that matter. What other organizations can be recognised?

Mr. MAHONY.—The definition of industrial matters in clause 4 speaks of persons "being or not being members of any organization, association, or body." We are suspicious. I wish to be frank with the Prime Minister.

Mr. HUGHES.—That is copied without alteration from the Arbitration Act?

Mr. MAHONY.—Very well, will the Prime Minister say that only trade union organizations shall be recognised, and able to move either the Commonwealth Council, the special tribunal, or any of the bodies?

Mr. HUGHES.—I have known, I think, of two or three instances in the history of the Court where a body, not one that would be called a recognised trade union, has sought registration, but such a body has never succeeded. This Bill is aimed at promoting industrial peace, which can only be attained if we deal with both parties, one of which is organized labour as understood by the honorable member.

Mr. MAHONY.—Then, will the Prime Minister provide in the Bill that the representatives of the employees on these bodies shall be the direct representatives of trade union organizations?

Mr. HUGHES.—Yes, certainly.

Mr. MAHONY.—The honorable gentleman knows that the Bill does not now so provide?

Mr. HUGHES.—If it does not, I am very much astonished, because it speaks of "the parties" to an "industrial dispute." I think the honorable member will find, in 999 cases out of 1,000, that one of the parties is organized labour; and therefore I think the Bill does so provide. However, I shall make the provision clearer if the honorable member thinks the Bill is not at present clear enough.

Mr. MAHONY.—Clause 5 provides—

The members representative of employers and of employees respectively shall be appointed or elected in the prescribed manner.

Why not provide clearly that they shall be elected by the particular organizations affected?

Mr. HUGHES.—There is only one observation to be offered in regard to that point. Say, for the sake of argument, that it is conceivable there might be some dispute where the employees were not members of an organization; for instance, in some calling in which organization had not proceeded far enough. In such a case the representative could not be so selected, but in every case where organized labour has taken control of the industry, they could be.

Mr. MAHONY.—Will you make that provision?

Mr. HUGHES.—Yes.

Mr. MAHONY.—That refers only to the Commonwealth Council, but the special tribunal is, I think, the important body, the others being so much padding.

Mr. HUGHES.—Oh, no, they are not. I think that those bodies will be of great service.

Mr. MAHONY.—Clause 14 provides—

A Special Tribunal shall consist of an equal number of representatives of employers and employees respectively, together with a chairman.

The Bill makes no provision for the election or appointment of these representatives, though in the case of the Commonwealth Council they are to be "appointed or elected in the prescribed manner." In the case of the special tribunal, the body with the real power, there is no provision made in this respect. Can the Prime Minister explain?

Mr. HUGHES.—The special tribunal, as I conceive it, will be a body composed of representatives of both parties, who will be chosen by the respective bodies. I do not know, and I cannot think, of any case where the employees' representatives would not be unionists.

Mr. MAHONY.—Before you entered the chamber one of your colleagues made reference to the Soldiers Wharf Labourers Association, Sydney, and we are afraid that you may accept members of it as representatives of the employees.

Mr. HUGHES.—One moment. Everybody has a right to live. Supposing there were a dispute between the Soldiers Wharf Labourers Association and the Coal Lumpers Union, then both these parties must be represented. The employers, in my opinion, would not properly be a party to such a dispute between two sections of the employees.

Mr. MAHONY.—Let us get this quite clear. Does the Prime Minister mean, for instance, that if the Transport Workers Federation wishes to move this special tribunal to deal with the conditions of wharf labouring, or coal lumping, or any other work, the members of the Soldiers Wharf Labourers Association would also be represented?

Mr. HUGHES.—You have put a very difficult problem. I know the circumstances intimately.

Mr. MAHONY.—So do I.

Mr. HUGHES.—It is a difficult question to answer. If the Sydney branch of the Transport Workers Federation considered their conditions unfair, they would create a dispute with the employers, exactly as they would in the case of the Court, by asking for redress, and if it were not granted would ask for a special tribunal. Clearly, such a dispute would be between the Sydney branch of the federation and the employers, and each side would have three or four representatives, and the Soldiers Wharf Labourers Association would be represented by counsel, and heard before the tribunal. If it were the other way round, and the Soldiers Wharf Labourers Association made the dispute, then its representatives would be on the tribunal, and the transport workers would have representation. Once there is a dispute, it must be between two parties.

Mr. MAHONY.—I am pleased to have the opinion from the Prime Minister, because we felt that there was not sufficient information given to us in the right honorable gentleman's second-reading speech, and the points just dealt with are those about which we were dubious. Of course, the Prime Minister, from his experience, knows that unless we have the good-will and co-operation of the trade unions this measure must fail, and we affirm the principle of the recognition of trade organizations. While the Prime Minister was out of the chamber, it was said that one of the reasons for the success of the Shipping Tribunal is that it recognises the representatives of trade unionism, and no one but a member of an organization which is a party to the agreement can obtain employment.

Mr. HUGHES.—Of course, the circumstances of that tribunal are a little different from those of industrial tribunals generally. That tribunal was based on an agreement with the unions, and this

made things quite easy. We said that if they would concede this or that we would give them preference of work, whereas the Arbitration Court grants preference only in certain circumstances.

Mr. MAHONY.—Why not set out clearly in the Bill that, in return for their co-operation, the trade unions will be recognised and given preference of employment? The Prime Minister, no doubt, has a pleasing recollection of fighting the issue of preference to unionists before the country a little time ago, and of how successful he was in his appeal. I ask him now to give trade unionism recognition and preference.

Mr. HUGHES.—I expect the unionists, in return, to remember that they owe a duty to the country. If they say, "We will neither work ourselves nor allow anybody to do so," they will lose their preference—that is all.

Mr. MAHONY.—The idea that unionists would say that they would neither work nor let any one else do so, is ridiculous. They know they have to work, and, though they may strike for a little while, eventually the pinch comes, and they have to return. I am glad that the Prime Minister has given us the explanation he has, and I again urge that if he desires to make a success of the Bill he must recognise trade unionism and give it straight-out preference.

Mr. MARKS (Wentworth) [12.41].—Up to the time that the Prime Minister (Mr. Hughes) re-entered the Chamber my sympathies were with the honorable member for Dalley (Mr. Mahony), who made an excellent speech on many matters that required elucidation from some responsible Minister. That speech will, I think, remove many doubts felt by honorable members; at any rate, it has removed doubts that I had, and the remarks of the Prime Minister have certainly cleared the air. Before I deal with the Bill itself I should like to lead up to it somewhat in the same way as did the honorable member for Flinders (Mr. Bruce), who, in an extremely lucid speech, covered a lot of ground which I had intended myself to traverse, showing the industrial conditions in Canada, America, France, Belgium, Italy, and so forth. Although I am, perhaps, not closely associated in a large way with industrial affairs, I keep my eyes and ears

open, with a view to learning anything that may be of benefit to this great country of ours.

What is the position? Before the war there were industrial disputes throughout the world, and now, after the war, there are still disputes. But the war has loosened ideas, ambitions, and passions, which, in 1914, would not have been thought possible, but would have been regarded as practically beyond the realms of reason. Those ideas, to a certain extent, are confined to what we call industrial unrest, and they have come to stay, and rightly so. We are told that the Prince of Wales, when he visited the living quarters of certain working people in London, described them as "a damned scandal." In America, as the honorable member for Flinders said, the people are living on the edge of a volcano; and why? Because they have something which we, thank God, have not, and that is a black-labour question. Many of the negroes are very highly intelligent, shown by the fact that one of the porters who looked after me on the Great Transcontinental Railway from San Francisco to New York was an M.A. and B.A. of one of the universities in Southern California. Many of the uneducated black people volunteered for the war, and while away from their own country acquired much knowledge as to conditions in other parts of the world. Those men have returned, and they want better conditions. They have taken a hand in industrial life, which is a factor in the accumulation of industrial unrest.

What has been the history of this question in Australia? Apart from the legislation of the various States to cope with the problem, the Commonwealth, in 1904, entered the ring with its Compulsory Arbitration Bill. That measure was amended in 1909, 1910, and 1911, twice, in 1914, and in 1915 and 1918. That indicates that, from the start, this compulsory arbitration law was like a brick wall which was continually threatening to collapse and had to be trussed and supported from time to time in order to keep it up so that it might serve the purpose for which it had been erected. There have been three main complaints against the system of compulsory arbitration. The first has been that too much power was

placed in the hands of one man. With that criticism I entirely agree. No one man could hope to cover the whole field—no matter how he might be advised and helped—and make an award which would last. The second grievance has been in relation to the congestion of cases before the Court. That is a factor which is bound to breed discontent. The third point has to do with the complex nature of the various decisions and awards in existence. Mr. H. Y. Braddon, in the course of an excellent address before the Sydney Chamber of Commerce, dealt at some length with that phase. He pointed out that in one instance alone, namely, in regard to the firm of Anthony Hordern and Sons, there were fifty-eight separate awards under which the firm had to work. From an employer's stand-point that is palpably absurd. It looks as if we were trying to do all we could to hamper our great employers. What have these three main causes of trouble led to? To one thing; and I agree with the views of Mr. Braddon upon that one thing. That is, the creation of a spirit of suspicion. It has brought about what, in my opinion, is the greatest curse of all. I refer to the "go-slow" policy. It is a curse to Australia and demoralizing to the man who practises it, for he knows right well that he is not playing the game. I want to lead up to what I said in this chamber in the course of my maiden speech. I remarked then that there was only one solution of the industrial problem, and that that was to get both parties together at a round table conference. I have had some experience of the Federal Arbitration Court. I instructed the Prime Minister when he was plain Mr. "Billy" Hughes, and had just been admitted to the Bar. The case in question was the first, I believe, which came before the Federal Arbitration Court in Sydney, and was taken by Mr. Justice O'Connor. Masters and officers of all the inter-Colonial vessels were proceeding against the owners for the concession of better living conditions, higher wages, and so on. We did not secure anything like what we sought, although all of our points have since been granted. But, even at that early stage, I recognised that compulsory arbitration was going to fail. The fact is that it was based on a wrong plan; it was wrongly housed. The

Court was not the right place. I would like to see something in this Bill to the effect that wherever a council, or special tribunal, or local Board may meet, it shall not be in any building which has the appearance of a Court. The effect both on employee and employer is that, directly they step inside the door of a Court—as Mr. Braddon put it—their hair stands up on end, and a spirit of fight is engendered. That is not the atmosphere which leads to amicable decisions. These bodies should meet in a friendly sort of way in a room where there is a round table, and where employee and employer can face each other man to man, and so wrestle with their differences. Mr. Braddon said, "The compulsory arbitration Court sets up an atmosphere of mock legal quarrel, which is an impossible condition." I quite agree with him. What is required is direct contact between the parties. What is America's experience? Honorable members have read statements emanating from Mr. Samuel Gompers, leader of the Labour movement in the United States of America. He has no time for compulsory arbitration. America is not free from strikes; but, in their enormous works, the American people have solved their troubles for the time being by inaugurating a system of giving better conditions to the workers, paying higher wages, and distributing a share of profits, which raises earnings to something more than a basic wage. I quite agree with that procedure. I have always said that the man who produces the wealth should have a fair share of that wealth. If we treat the workers properly and bring them under a profit-sharing system there will not be strikes. Great Britain has partly solved her troubles by means of the Whitley Councils, which are working well. By degrees all the organizations are coming into the Whitley scheme. The Bill before the House is framed very much upon the lines of the Whitley methods; but I agree with the honorable member for Dalley (Mr. Mahony) that, in many cases, matters need clearing up. I am at one with the honorable member for Flinders (Mr. Bruce), who believes in the establishment of unions, and regards them as a factor for good; and I agree with him, further, that no man should be compelled to enter a union. However, in order to bring

about industrial peace, and seeing that the unions represent the great majority of the working people, I hold that the representatives of the workers on the tribunals should be selected from those unions. Where a strike occurs among a small body of men who are not members of a union, I understand that the Prime Minister has stated that the delegates should come direct from those people. It should be made perfectly clear that the principle is safeguarded. Otherwise, no good will come of our efforts; the working man of Australia will have nothing to do with this measure. I know the Government are sincere in trying to bring about industrial peace, so I trust that they will leave no loop-hole for suspicion.

Regarding the appointment of chairmen, I agree with the opinions expressed by several honorable members that it is a matter which must be most carefully considered. Sub-clause 3 of clause 5 states—

The chairman shall be appointed by the Governor-General.

That is to say, the Government. Personally, I have not too much faith in certain political appointments. What I would like to see here, and in the case of the appointment of all chairmen under this measure, is provision for their selection as follows:—

The chairman shall be chosen by agreement between the representatives of employers and employees, or, in default of agreement, shall be appointed by the Chief Justice of the High Court of Australia from names submitted to him by both sides.

That would do away with suspicion, for if there is one man in this country who is above suspicion it is the Chief Justice of the High Court—whoever he may be.

Much has been said concerning whether the Bill does or does not empower the Boards or tribunals to go into the question of profits. Here, the point strikes me whether that right should be granted. But we have to try everything possible to secure industrial peace, and I say that the right should be granted, so long as it is conceded *in camera*. The honorable member for Flinders (Mr. Bruce) did not object to that. Mr. Braddon represents the great body of employers in New South Wales. He dealt with the same question in his address. In asking that a Conference should be appointed he set out

certain points which he thought should be discussed; and, having cited those points, he stated—

The idea would not be for the employer to part in any material way with the control. The employees will not, I think, desire that, when they understand the great value of capable unified control in the experienced and skilled hands of the employer. They will readily appreciate that too many cooks may quickly spoil that broth. The idea would rather be to give them knowledge of the concern's interests, so that they may have some idea of what is happening, and a right of discussion regarding the conditions under which they work in the factory, warehouse, or shop.

I am certain that, having in mind the wonderful record of trade unionists in Great Britain during the war—when they responded to the appeal of Mr. Lloyd George to set their backs to the wall and give our fighting men their all—necessary munitions and supplies—we would not be disappointed in the workers over this matter.

Sitting suspended from 1 to 2.15 p.m.

Mr. MARKS.—I have been asked by honorable members to shorten my remarks as much as possible, because a number of other honorable members wish to speak before the vote is taken on the second reading this afternoon. Before lunch I was discussing the question of profits. Without looking exhaustively into the Arbitration Act and comparing it with the Bill, I was of opinion that this measure does confer powers under which the question of profits might be considered. Clause 7 includes amongst the powers and functions of the Commonwealth Council—

To consider any matters, conditions, and tendencies in any part of the Commonwealth leading to or likely to lead to industrial disputes, or in any way affecting or likely to affect industrial peace.

Surely profits would come within the meaning of the words "any matters." Some doubt has been cast upon my view, however, by the statement that, although the same power is conferred in the Arbitration Act, the High Court has ruled that the question of profits cannot be inquired into by the Court. The point I desire to stress is that if the power is not in the Bill, it should be placed there. We heard an able speech last night from the honorable member for Flinders (Mr. Bruce), who may be regarded as the representative of a large employing section of the community, and he assured us that he

personally is not opposed to any inquiry into profits, so long as the investigation is not unduly harassing. There is also the statement of Mr. H. Y. Braddon, which I have previously quoted, that the employees should be allowed to have more knowledge of the concern in which they are working. Therefore, if the Bill is not wide enough to permit of inquiry into profits, let us make it wider. Now that we have the chance, we should do everything possible to remove the suspicion which is hampering the whole industrial world to-day.

Nothing in the Bill prevents those engaged in an industry having their own round-table conference. Perhaps the local Boards might not reach likely disputes, but until a local Board is appointed as the offspring of a special tribunal, there is nothing to prevent employer and employees in each industry meeting at a round-table conference, with, as one honorable member interjected, a bottle of whisky, to which I would add a box of cigars. I am a great believer in a cigar, a pipe, and a bottle of beer as an aid to negotiations of this kind. If such a conference fails, it is time for the special tribunal to set going its offshoots, the local Boards. Every decision arrived at by a local Board must be reviewed by the special tribunal which deals with that industry. Therefore, we have not only an inquiry by the local Boards, but a further inquiry by the special tribunal which governs them, to insure that the decision arrived at by one local Board does not conflict with a decision of another local Board in the same industry.

In regard to the £5,000,000 which I mentioned as awaiting investment in Australia, I assure the House that that is not the whole of the sum that might find its way to the Commonwealth; much more is awaiting investment. The Leader of the Opposition (Mr. Tudor) asked, by interjection, where else in the world could the money be better invested. I remind him that within a few months after the signing of the armistice between £40,000,000 and £50,000,000 was invested in various companies in England. But I know that, notwithstanding all that the dear old Mother Country has done for Australia, British capitalists desire to further help us as much as possible, whilst at the same time getting a fair return for their money. There are untold millions of pounds awaiting investment in Australia if we can only

establish those stable conditions which I know the whole House is anxious to establish. It has been a great pleasure to me to notice the improved feeling that has developed in the House in connexion with the discussion of the Bill. We have listened to many able speeches, and much light has been thrown on the measure, and I am convinced that, notwithstanding the shortness of time at our disposal, we shall produce a scheme that will have a wonderful effect upon the Commonwealth. It is about time we did something of the kind, for I think we hardly realize what a momentous period is the present in our history. I repeat what I have always said, that we can only achieve industrial peace by the "get-together" policy.

Mr. GABB (Angas) [2.23].—It is my intention to vote against the second reading of the Bill, and as I proceed I shall state my reasons for so doing. A Labour member, confronted with such a measure introduced by a non-Labour Government, must naturally be suspicious. The honorable member for Wilmot (Mr. Atkinson) said that there seemed to be a good deal of suspicion and many imaginings on the part of some honorable members. I remind the House that we have cause for suspicion. As a Labour man, I do not forget that the Government which introduced this Bill is the same Government which, under the War Precautions Act, interfered with the marine engineers when on strike to the extent of preventing them from operating upon their own banking account. That action, added to many others of the kind, is enough to make us suspicious. I took the Bill home with me to Adelaide last week, and the first thing I asked myself was whether it represented a genuine effort on the part of the Government to bring about industrial peace. I asked myself whether it was likely that the Prime Minister was bringing to bear his past experience and knowledge of industrial affairs with the sincere object of doing justice to both sides. Then I remembered a statement he made at Bendigo during the recent by-election campaign—a very unwise utterance on the part of the head of the Government. He was reported by the Adelaide press as having said at Bendigo that a Bill was to be brought down—I am convinced that it was this Bill—which would be through the House by last Saturday, "despite all that their friends, the Opposition, could

do to stop it." That was the spirit in which the Leader of the Government heralded this measure. Last Saturday has gone by, and the Bill is not through the House yet, nor will it be through the House by next Saturday in spite of all that the Prime Minister threatened to do. I have been wondering whether we have to thank our friends of the Country party for the fact that the Bill was not put through the House by last Saturday. The honorable member for Dampier (Mr. Gregory), when he was chided for having voted for the urgency motion, said that he knew that the Bill was to be passed within a certain time. From that I inferred that the Country party had a knowledge of the Government's intentions, and I wondered whether feelers had been put out to ascertain if the Country party would support the Government in disposing of the Bill last week. From the evidence before me, I conclude that we are indebted to the Country party for even this limited opportunity of considering the Bill. The statement made by the Prime Minister at Bendigo was unwise and uncalled-for, especially in connexion with a Bill which is designed to bring about industrial peace. It made one wonder whether there is a sincere intention behind the introduction of the Bill. How can a man who represents the lower-paid sections of the community help being suspicious of the capitalistic interests and the Government which is behind them? We know too well that the people we are here to represent particularly have had the worst end of the stick in the past. The honorable member for Flinders (Mr. Bruce) said last night that America to-day is upon the edge of a Vesuvius, and that prior to the war the workers of England were not given a dog's chance. The honorable member for Wentworth (Mr. Marks) stated that the Prince of Wales, after looking into the residential conditions of some of the workers in England, exclaimed, "It is a damn shame." I believe that if the Prince discovered undesirable conditions he would have pluck enough to express himself in that way. I could relate my own experiences when I had to battle for a living. There are other causes connected with the Bill itself which make us suspicious. I remind honorable members that the advantages which the wage-earners are enjoying to-day—if they

can be called advantages—have been dearly won, and they cannot blame Labour members if we are anxious that any benefits now enjoyed by the workers shall not be lost. Statements have been made which lead us to believe that, in respect of certain provisions in this Bill, trade unions are to receive as much consideration as they have had in the past. We cannot be blamed, however, for desiring to have that clearly set out in the Bill. We have no guarantee that, in respect of the Commonwealth Council and the District Councils, trade union organizations will secure recognition similar to that given them under the Conciliation and Arbitration Act. The statement made to-day by the Prime Minister (Mr. Hughes) should have been made much earlier. It has certainly removed some of our fears by giving us to understand that trade union organizations will have, under the Bill, all the privileges they enjoy under the Conciliation and Arbitration Act. Ministerial supporters have condemned us for desiring that the trade unions should be consulted. Instead of being condemned, we should be commended for this desire, since we are anxious to make doubly sure that industrial peace will be brought about. The Labour party can speak, no doubt, for the rank and file in the trade union movement, but in a multitude of counsellors there is wisdom, and there should be no complaint in regard to the suggested conference.

I object to this Bill because its administration will be extremely costly. I recognise that if, as the result of it, industrial peace were secured, the expenditure which it involved would be money well spent. But will it do away with industrial unrest? We are to have a Commonwealth Council, and also a District Council for each State, and one honorable member has suggested that members of these Councils should receive a salary of not less than £1,000 a year. There will be a Chairman and six members of each of these seven tribunals, so that if they received £1,000 per annum, their salaries alone would amount to £49,000 a year. If there is to be a Special Tribunal for every industry and calling, the fees and expenses will quickly amount to another £50,000 per annum. For a much less amount the Government could appoint several additional Deputy Presidents of the Conciliation and Arbitration Court.

Mr. Gabb.

If that were done, and the Act improved, it would go a long way towards removing industrial unrest. The President of the Conciliation and Arbitration Court receives £3,000 per annum, so that the projected outlay on the Commonwealth and District Councils would provide for six or seven additional Deputy Presidents of the Court, and leave something to spare.

I stand here to-day as one who is still in favour of the Conciliation and Arbitration Court. The honorable member for Flinders (Mr. Bruce) compared industrial conditions prevailing here with those ruling in America, and showed that the advantage was with us. There are no compulsory arbitration laws in the United States of America, so that his comparison is but another argument in favour of our Arbitration Court. The same may be said of his comparison of the industrial position in Great Britain with that in Australia. And this despite the fact that the Government have not done all that the Commonwealth Court has asked. I understand that, under the amending Bill, the Court will at last have power to vary its awards. It is remarkable that, although it has for years been asking for this wider power, it is to be granted only concurrently with the passing of this Bill. I may be somewhat suspicious, but I am wondering whether the giving of additional powers to the Conciliation and Arbitration Court at this juncture is not mere camouflage designed to disguise the real objective of this Bill, which is to undermine the Court, and to remove from the Bench one of its members.

Has Mr. Justice Higgins, Mr. Justice Powers, Mr. Justice Starke, or any of the registrars of the Conciliation and Arbitration Court been consulted in regard to this measure? Were they invited to assist in drafting a Bill calculated to bring about industrial peace? The Bill does not suggest that they have had any part in its framing.

Mr. BRENNAN.—They may have been consulted, but if they were, I do not think their views were adopted.

Mr. GABB.—I do not think that any of these learned gentlemen, despite their long experience of the working of the Conciliation and Arbitration Act, have been consulted. There is underlying this Bill a determination on the part of the

Government to undermine the Conciliation and Arbitration Act. When that objective was suggested while the Prime Minister was speaking, the right honorable gentleman merely smiled. A smile is sometimes more eloquent than the spoken word, and that smile on the part of the Prime Minister convinced me that one of the objects of this Bill is ultimately to do away with the Conciliation and Arbitration Court. As a representative of trade union interests, I feel that it would not be wise to vote for this Bill, since it provides for the creation of special tribunals, which will be the mere handiwork of the Government of the day. These special tribunals are to be appointed by the Governor-General, and it is obvious to me that their members—both the representatives of the employers and the representatives of the employees—will be the chosen of the Government. I am aware that my view is not indorsed by some honorable members; but I wish to have it clearly stated in the Bill that the representatives of the employees on the councils and special tribunals will be elected by the trade union organizations. I am not prepared to act on mere supposition. Some members of my party will vote for the second reading of the Bill, believing, as I do, that the members of the councils and tribunals for which it provides, will be selected by the Government of the day; but I am not prepared to do so. The honorable member for Darling (Mr. Blakeley) said yesterday that there could be no objection to such a system if the Labour party were in power. While it might be very convenient for a Labour Government to have that power, it would not be fair, and, therefore, would not tend to industrial rest. The Bill gives plenty of scope for political appointments, and if a Labour Government made such appointments to these tribunals, the other side would naturally complain. Again, I am not prepared to vote for a Bill which will vest such very wide powers in any one man. It has been said that the powers for which the Conciliation and Arbitration Act provides are in the hands of one man—the President of the Court. With whom will rest the balance of power in connexion with these tribunals? We are to have on each council and special tribunal an equal number

of representatives of employers and employees, and where they are unable to agree, the Chairman—who will have been selected, no doubt, by the Government—will be the deciding factor. We shall, therefore, get back to the position ruling in connexion with our arbitration laws to-day. I cannot vote for the second reading of the Bill; but if it be amended in certain directions, I may feel justified in voting for the third reading. I am not prepared to give up any right or privilege which the trade union organizations enjoy to-day. I am not ready to take one backward step. The movement of the world to-day is in the direction of giving those who produce the wealth a fair share of that wealth. It is in the direction of giving the workers a greater measure of justice than they have hitherto received, and any step taken by us that may be contrary to that tendency will not lead to industrial peace.

In statements made across the table to-day, the Prime Minister conveyed the impression that organized labour would be protected under this Bill. But neither his word nor that of any other man is sufficient for me in regard to this matter. I want to see that undertaking put in black and white. I want it to be in the Bill itself. Deep down in the heart of the Prime Minister there may be some feeling of sympathy for the ranks from which he sprang; but he is not always going to be at the head of the Government. There are in this House some out-and-out Conservatives, any one of whom may be at some time at the head of the Government of the Commonwealth, and their sympathies have never been with unionists and unionism. If the unions will be as fully recognised under the provisions of the Bill as they are now under the Arbitration Act, this should be made clear and put beyond doubt. According to the Prime Minister, if there were in an industry a genuine union and a bogus union—I am not using his language in employing these terms—and trouble were to arise in the genuine union, that union would elect three representatives to a tribunal to investigate the dispute, and the bogus union would have the right to be represented by counsel. I hope that representation by lawyers is not intended, though I do not see in the Bill anything to prevent the appearance of lawyers before the tribunals for which it

provides, should the employers wish for them, and obtain from the chairmen the right to make use of their services. On the other hand, should the trouble arise with the bogus union, it would appoint representatives to the tribunal, and the genuine union would be represented by counsel. Such an arrangement, it seems to me, would cause a great number of bogus unions to spring into existence, and if their representatives were brought into a case the genuine unionists would turn their backs on the tribunal adjudicating upon it. Some one has said—I think, the honorable member for Darling (Mr. Blakeley)—that the genesis of the Bill was to be found in a proposal by some New South Wales organization.

Mr. JOWETT.—No; in a proposal of an organization of Victorian returned soldiers.

Mr. GABB.—I do not know where the Genesis of it is to be found, but I know that the Revelations of it will be with the trade unionists of this country.

Mr. BRENNAN.—And the Exodus with the Government.

Mr. GABB.—If the Government and those who vote for the Bill are the alpha of this matter, the omega of it will be the rank and file of the industrial unions, whom it is useless to flout. I hope that in Committee the Bill may be amended so that no trade union shall lose under it any right that it now possesses under the Arbitration Act. If that and other similar alterations are made, probably many of us who must vote against the second reading may be able to vote for the third reading of the measure.

Mr. FOWLER (Perth) [2.50].—I wish at the outset to apologize to the members of the Opposition. Against my judgment and inclination, I did not, either with voice or vote, oppose the motion which ordered that the second-reading debate shall close this afternoon. I represent a somewhat remote part of the Commonwealth, and have not yet received from my constituents any information of their opinions concerning the measure. Under such circumstances I should have vigorously protested with other honorable members against the limitation of the debate, and I can assure the House that there will be no other occasion, while I am here, when my vote will be given to curtail the privileges of members in the discussion of an important measure

of this kind, so long as no intention has been shown to stonewall it or to delay our proceedings. It is all very well for men like the honorable member for Flinders (Mr. Bruce) to suggest, as he did last night, that opportunity for consideration has been given to all. While Victorian members may have had such opportunity they fail to realize that Victoria is not Australia, and that the outlying parts of the Commonwealth are entitled to more consideration in respect of a measure of this kind than the Prime Minister and many of those behind him have shown to them. Seeing that the country has waited impatiently for some years for something to be done in this matter it was somewhat amusing to hear the right honorable gentleman declare this an urgent measure. It is characteristic of him, when he has made up his mind to a certain course, to enter with a flourish of trumpets and give the public the idea that at last something is to be done, and that he is the man who will do it. After he had made his speech, he thought, apparently, that there was no more to be said on the subject, though a few hours were conceded to honorable members in somewhat ungracious recognition of the fact that Parliament exists for the discussion at reasonable length of important matters of this kind. I warn honorable members on this side that they cannot long afford to act as voiceless automata at the bidding of the Prime Minister, because sooner or later they will be called to account by their constituents, who expect them to do their duty by stating their opinions.

There is need for the most earnest and able attention to the industrial problem by this and the State Parliaments. We see unrest all round us. The community has suffered through most disastrous strikes—strikes that have affected tens of thousands of persons, causing untold suffering and hardship, and at the end have left us no nearer the settlement of the industrial problems involved than we were when they commenced. Labour representatives here and elsewhere realize as clearly as any of us the need for putting an end to such strikes. They know that every strike that inflicts suffering on a community reduces their political popularity, and they are even more aware than those on this side that there is in the Labour movement to-day an element which deliberately

foments and encourages strikes, and will, if not sternly repressed, undoubtedly bring about its utter disorganization, and lead to something like civil war.

Mr. GABB.—Those to whom you are referring are outside our political movement.

Mr. FOWLER.—A good many of them are inside the Labour movement, and are working insidiously against its political activities. Labour members realize as much as we do that it is in their interests, and for the welfare of the Labour movement, and of the whole community, that industrial strife should be settled in a lawful and peaceful fashion rather than allowed to run to seed, and create untold mischief. We are apt to forget that tens of thousands of workers never strike, and that a majority of the workers are opposed to strikes, though often dragged into them. If there were proper machinery by which their wrongs could receive reasonable and prompt attention, the voice of the workers would be heard objecting strongly to strikes. Unfortunately, during the last few years circumstances have played into the hands of the extreme and disorderly element in the Labour unions, giving it an opportunity of which it has availed itself to the utmost. It has been for strikes on every possible and impossible occasion, with sufficient apparent justification to drag behind it large numbers of workers who, in their hearts, abhor strikes, and would be only too glad for some other method of securing redress. We owe it to the workers to give them relief, if possible, from the awful arbitrament of civil war, for which a strike is only another name.

I think, with some other honorable members, that the amendment of the Arbitration Act should have preceded the present proposal. I still believe that the Arbitration Court is capable of doing good work in the cause of industrial peace. No doubt, it has many defects, some of which have been pointed out here, and it is a pity that its shortcomings were not discussed before the Bill was introduced. Had there been such discussion, it would have done much to make the present proposal unnecessary. I believe that the Arbitration Court provides a better method of settling industrial disputes than that now under consideration. The troubles which now arise are due to the expense and delay attending appeals to the Court. I am sorry, in view of the

able legal representation in this House, to have to say that the elimination, to as great an extent as possible, of legal system and procedure would, in my opinion, reduce the cost of and the time occupied in the hearing of disputes by the Court. If its proceedings could be simplified and expedited, one of the gravest objections to the Court would be removed. Unfortunately, Federal action in regard to industrial disputes can begin only at a comparatively late stage of their development.

I complain that the State Governments and Parliaments have not dealt with these matters as they should have done. They should have a uniform system amongst themselves to prevent so many of these disputes growing, until, by their size and gravity, they become subjects for Federal investigation. It is most unfortunate, also, that, rightly or wrongly, at the inception of our Federal Court of Arbitration, the workers got an impression that the Judge was inclined to favour them. This undoubtedly had a very regrettable influence throughout Australia, and has brought about most unfortunate results. For one thing, many of the disputes might have been settled long before they reached the dimensions of a Federal case; but they were allowed to grow, and, in fact, many of the smaller disputes were deliberately developed, until they reached a stage when they could be dealt with by the Federal Court. This meant, of course, that the Court became simply overwhelmed by a multiplicity of cases, with which it could not deal, and many waited for months and months without any prospect of being heard. The final result was that direct action was employed; the Court was flouted by the workers, who, having lost faith in it, proceeded to extremes, which, as I say, have inflicted untold misery and hardship on the community. It is a duty we owe to the community to endeavour now, whether in this measure or any others before us, to bring about the cessation of these disputes. The general community has a right to expect this from us, because, as a matter of fact, it is entirely ignored in industrial disputes. There are the interests of the employer on the one hand, and the interests of the employee on the other; but the unfortunate general public, like Issachar, the strong ass, stoops between the two burdens. Frequently a dispute is settled in a

way which, while satisfactory to the two parties immediately concerned, is unfair to the public; but this Bill takes no note of that phase of the position. While arranging for consideration for the interests of the employer and the employee, no regard is shown for the interests of the general public.

Mr. WEST.—The Government are supposed to look after the general public.

Mr. FOWLER.—That is so, just as the Parliament is supposed to look after the general public. I am afraid, however, that, in thinking about votes, we are more apt to have regard for those who are keenly interested in the industrial matters rather than for the somewhat remote public, which suffers so frequently in silence. Members are returned time and again, not for what they have done for the general community, but for what they have done for one party or another. That is a very regrettable state of affairs which I hope will come to an end before very long, and towards the abolition of which I hope to be able to do something.

The measure seems to me like a huge, cumbersome piece of machinery with a ridiculously small boiler; it is going to be expensive, and consists of a great many different parts, but the driving power will be small and insignificant. That is the trouble with a great deal of our legislation in this regard. We have stopped short of one responsibility that this and other Parliaments will have to take on their shoulders sooner or later. That is, after having given the workers and employers effective Courts for the settlement on a fair basis of all industrial disputes, the community must be protected against those reckless individuals who are prepared to flout the law in the furtherance of their aims and objects, and inflict general suffering. People, here and elsewhere, are beginning to realize that something in the nature of criminal action is required against those who break the industrial peace. In some countries, notably in the United States, laws are, I believe, in preparation to make striking a criminal offence, more especially in connexion with those industries and activities that are vitally necessary to the life of the community.

Mr. GABB.—That is not making for peace.

Mr. FOWLER.—It must be always understood that, before any step of the kind is taken, there shall be an effective and fair Court for the settlement of all industrial disputes; then must come the power of the law to make it criminal for any one to break the peace in such a way as to inflict suffering and hardship on the community. That reform will come sooner or later, and it is just as well that this Parliament and Australia generally should be prepared to look the fact in the face.

Mr. BURCHELL.—Would the honorable member have representatives of the general public on the councils and tribunals?

Mr. FOWLER.—That is what I mean, and what I shall endeavour to introduce into the measure. I again point out that if we are to secure absolute industrial peace we must first of all provide a fair and efficient Court for the settlement of industrial disputes, and then step in and secure the public against the actions of a criminal few, who, by reason of the power wielded either in unions of employers or unions of employees, create what practically amounts to locks-out on the one side and strikes on the other. I could give instance after instance of suffering that has come under my notice as the result of strikes in Australia, and these would give point to my contention; but with the limited time at my disposal, I do not propose to do so at the present time.

I now desire to refer to some of the provisions of the Bill. There is a great deal anticipated from the creation of the various tribunals. What the councils will do I do not know; they will be able to talk a great deal, but as to their activity in other respects I have some doubt whether they will be worth the money expended on them. Only a few days ago I heard an employee, and a member of a union, describe the tribunal in the shipping industry as an organization for giving the employees whatever they desire.

Mr. RILEY.—That is a good organization!

Mr. FOWLER.—It is a good organization from the point of view of the employee; but what about the general public? The Wages Boards of Victoria carried out the same plan for a long while; and Mr. Murphy, who was in control of them some time ago, has produced a very informative report in the form of a book

on the subject of industrial efficiency in this State in particular, and in Australia in general. Mr. Murphy in that report asks, "Who is being enriched by our labour laws?", and proceeds as an expert to answer it in this way:—

The answer to this question can hardly be other than—the manufacturers, shopkeepers, and employers of labour generally. An analysis of the Wages Board determinations shows that wages have gone up most rapidly in those trades in which the employer can pass on the cost to the consumer by raising retail selling prices.

The employer and worker in some of the trades mentioned have apparently refrained from seriously opposing one another in the process of putting up wages for their mutual benefit. They have shown their little regard for the rights and interests of the public, and the other workers, knowing that the increased wages will be more than covered by an increase in the price of the article produced.

If we are going to create tribunals which will act as the Shipping Tribunal does, and always give the employees all they ask, there must be a limit reached before long; indeed, that limit has almost been reached in regard to shipbuilding, and I believe the Prime Minister regards the situation as one requiring considerable revision. There is no doubt that if the tribunals under this Bill are chosen in the same way, and are given the same opportunities as is the Shipping Tribunal, they will probably take the line of least resistance, and do as this tribunal is alleged to have done; but I again remind this Government and the House that there is, necessarily, a limit to concessions. I do not think that the bulk of the working men are, in the long run, going to be deluded by the idea that they can increase wages indefinitely. Increased wages can only go on in conjunction with increased production, and the sooner the whole truth is placed before the working people of Australia the better it will be for them and the community at large.

I do not desire to occupy more time. I have given a few of my ideas in regard to industrial matters, and while I do not anticipate very much from this Bill, I believe it can be moulded into a measure that will to some extent remove some of the grievances that the working people of Australia think they see in front of them in their relations with their employers. If the Bill does even that much

it will disarm some of the suspicion on the part of the employees, and to that extent will be an advantage. Like other honorable members, I shall do my best in Committee to improve the Bill.

Mr. BRENNAN (Batman) [3.15].—I have to congratulate and even thank the honorable member for Perth (Mr. Fowler) for the spirited way in which he called attention to the grave disabilities under which the House has been forced to consider the very difficult problems involved in this Bill. I claim to have given a good deal of honest thought to what is involved, and I can candidly say that, the more I have studied it, the more I have become convinced that the operation of the Bill—if it is ever to be put into operation—is likely to lead to something worse than confusion. It is to be greatly regretted that the Bill to amend the Arbitration Act, which it is proposed to present for the consideration of the House, was not on the table for the perusal of honorable members at least while this measure was being debated. I have had an opportunity only within the last few moments of seeing that Bill, and, of course, I have not been able to study it, while many other honorable members, probably, have not seen it at all. Although I regret the atmosphere created by the Prime Minister when he introduced the measure now under discussion—a carefully distilled atmosphere of acrimony and ill-will by reason of the harsh limitations placed upon debate—I want to remark that if I could see a possibility of any real benefit being derived by the industrial community, or by the people of Australia generally, from the operation of this measure it would have my hearty support; and neither party considerations nor party animus would persuade me to oppose it. Apparently, the Bill is deemed to be within our constitutional powers, and, at all events, I do not propose, with the extremely limited time at my disposal, to attempt to discuss the constitutional aspect. A clause in the Bill points out, in effect, that where, but for this clause, the Bill might be deemed to be outside our constitutional powers, it shall be deemed to be within them. I take it that the object of that clause is to insure that where some parts of the

Bill may be found to be extra our constitutional powers, the intention of Parliament is that the remaining parts of the measure may, if possible, be construed by the Courts as severable and within our powers.

It is proposed and hoped to operate this Bill through four different bodies. These are: Commonwealth councils, district councils, special tribunals, and local Boards. The Commonwealth council and district council may be said to occupy the relationship of parent to infant, or brother to sister—whichever simile honorable members prefer. They are two groups, namely, the Commonwealth council and district council, on the one hand, and the special tribunal and local Board on the other hand. The first mentioned are purely consultative and deliberative bodies. When honorable members examine the powers of the proposed Commonwealth council they will be amused at the purely academic kind of inquiry with which its members may entertain themselves. It does not seem to be out of place that they may be counted upon as having discharged their duties when they have entertained their friends at afternoon tea and at penny readings dealing in the most abstract and general way with any industrial subject whatever. They can have no power to effect anything other than to deliberate and talk. The same reflections apply to the district councils. It is true, of course, that their members will be presided over by officers—we may presume, highly paid; and it is true also that these councils will have power to summon witnesses. In that respect, by the way, they may possess drastic means of punishment. It appears that they are to be given wide capacity for disturbing the community, but will have no power to either prevent or settle industrial disputes. The position regarding the special tribunals and local Boards is different. I desire to call attention to some peculiarities about these bodies. First, I will take the lesser of the two in order to reduce the position ultimately to a consideration of the special tribunals. The local Boards, like the special tribunals, will have the powers of an Arbitration Court. Presumably they are intended, as their name implies, to operate within narrow geographical limit—certainly

Mr. Brennan.

within much narrower limits than any one State. It is to be assumed that they will be used to arrest industrial trouble at its inception, at any place or in any one State—wherever it may arise. The curious thing is that it seems to have been forgotten that the whole of this legislation—like the Arbitration Act itself—is restricted by the constitutional limitation that disputes cannot be dealt with other than industrial disputes extending beyond the limits of one State. Therefore, it appears to me that we are attempting the impossible when we set up a local body for the purpose of dealing with a local dispute, seeing that it is not competent for the Commonwealth Parliament to legislate in respect of local disputes at all. Yet these local Boards are to be possessed of very great powers—powers almost as complete as those of the Commonwealth Arbitration Court itself. A dispute may be referred to them by the parties actually concerned. And, although they are, in a sense, the offspring of the special tribunals, it does not follow that they can only deal with a dispute referred to them by special tribunals, for the reason that they may be invoked direct by the parties to a dispute, without regard to the special tribunals at all. Although the local Boards will be subject to review by the special tribunals “in relation to which they have been appointed,” it does not follow that they will have been appointed in relation to any special tribunal, because they may be called in aid—as I have just pointed out—by the parties themselves.

Mr. MAXWELL.—According to the Bill, their appointment must be in relation to some special tribunal.

Mr. BRENNAN.—There are two means by which a dispute may be brought before a local Board. The trouble may be referred to it by the special tribunal, or by the parties themselves; and, apparently, therefore, they will be given jurisdiction, just as in the case of the special tribunal, to deal with the dispute in the way and to the extent that the Commonwealth Arbitration Court could deal with it.

Since it will be quite impossible to attempt to address myself to the subject

in the way I could have wished, I will confine myself to calling attention to the special tribunals which, apparently, will be the most important bodies brought into existence for dealing with crises as they arise. A special tribunal, although thought to have all the power of the Commonwealth Arbitration Court, will be under one conspicuous disability; and that is that it will not possess the advantage conferred by the provisions of section 21AA of the Arbitration Act, which enables a High Court Judge to decide in advance whether there is a dispute extending beyond the limits of one State which dispute is proper for a decision by the Arbitration Court, or—in this case—by the special tribunal. Therefore, it may be that after the Commonwealth Council has considered a matter, and after the district Council has considered it, and after it has been deliberated upon by both special tribunal and local Board, it may be found that the dispute is not a dispute within the meaning of the Commonwealth Arbitration Act at all.

In regard to clause 17, which confers powers to vary awards, I have very little hope that the Judges of the present Arbitration Court will accept service under such terms. I do not believe they will undertake their duties under the conditions created by that clause. It sets up an impossible situation. A Judge will no sooner have made an award than it may be torpedoed by means of this provision.

I lodge my protest against the fact that this Bill—a most important, difficult, and intricate one—should be forced through as it is to be. I have the doubtful honour, in the absence of the honorable member for West Sydney (Mr. Ryan), to be the only member on this side of the House who can pretend to bring any special legal knowledge to bear upon the problem. I have tried to make some hurried observations where I would have preferred to speak at length. However, I am not permitted to do so. I would like to have supported the Bill if I could see that it would be of any use to the country. I think the Arbitration Act could be amended in a direction which should make of it a very useful instrument. Without amendment it does all that this Bill can do. The Bill provides for compulsory conferences. So does the Act.

The Bill provides for local Councils and district Boards. The Act provides for Boards of Reference. The Government should give the Act facilities to function, and not destroy it. I cannot resist the conclusion that the Prime Minister and the Government, and particularly that wing of the National party which is not Labour, having no confidence in the Arbitration Act and no sympathy with its operations, have decided to use this indirect method of ending it.

Mr. DEPUTY SPEAKER (Hon. J. M. Chanter).—The time allotted for the second-reading stage has now expired.

Question—That the Bill be now read a second time—put. The House divided.

Ayes	33
Noes	19
Majority	14

AYES.

Atkinson, L.	Jackson, D. S.
Bell, G. J.	Jowett, E.
Best, Sir Robert	Lamond, Hector
Blundell, R. P.	Lister, J. H.
Bruce, S. M.	Marks, W. M.
Cameron, D. C.	Marr, C. W. C.
Chapman, Austin	Maxwell, G. A.
Cook, Sir Joseph	Poynton, A.
Cook, Robert	Prowse, J. H.
Fleming, W. M.	Rodgers, A. S.
Foster, Richard	Ryrie, Sir Granville
Fowler, J. M.	Smith, Laird
Gibson, W. G.	Wienholt, A.
Greene, W. M.	Wise, G. H.
Higgs, W. G.	<i>Tellers:</i>
Hill, W. C.	Burchell, R. J.
Hughes, W. M.	Story, W. H.

NOES.

Blakeley, A.	Mathews, J.
Brennan, F.	McDonald, C.
Charlton, M.	McGrath, D. C.
Cunningham, L. L.	Moloney, Parker
Gabb, J. M.	Nicholls, S. R.
Gregory, H.	Tudor, F. G.
Lavelle, T. J.	West, J. E.
Lazzarini, H. P.	<i>Tellers:</i>
Mahony, W. G.	Riley, E.
Maloney, Dr.	Watkins, D.

PAIRS.

Watt, W. A.	Anstey, F.
Corser, E. B. C.	Catts, J. H.
Mackay, G. H.	Mahon, H.
Groom, L. E.	Page, James
Bayley, J. G.	Makin, N. J. O.
Livingston, J.	Fenton, J. E.
Francis, F. H.	Ryan, T. J.
Bowden, E. K.	Considine, M. P.

Question so resolved in the affirmative.
Bill read a second time.

In Committee:

Clauses 1 to 3 agreed to.

Progress reported.

LIMITATION OF DEBATE.

Motion (by Mr. HUGHES) proposed—

That the time allotted in connexion with the Limitation of Debate as regards the Industrial Peace Bill be extended as follows:—

For the Committee stage of the Bill, to end of Part III. until 10 p.m. on Thursday, the 12th August.

For the remainder of the Committee stage of the Bill, until 3 p.m. on Friday, the 13th August.

For the remaining stages of the Bill, until 3.30 p.m. on Friday, the 13th August.

Mr. TUDOR (Yarra) [3.42].—It would have been better had the Prime Minister explained that the reason for the amendment of the time allotment is that it is desired to extend to the departing Governor-General the usual parliamentary banquet. I, personally, am opposed to any time-limit in connexion with this Bill. It is essentially a Committee Bill, but if we vote against the amended time suggested by the Prime Minister we shall, in effect, be voting for the shorter time already fixed. The amended time now proposed is about half-an-hour or an hour longer than that originally fixed.

Mr. CHARLTON.—Now that the Prime Minister sees that there is no obstruction, cannot he agree to further extend the time?

Mr. TUDOR.—I hope that he will. It must not be inferred that honorable members on this side, by not voting against the motion, are acquiescing in the time-limit. In the second-reading debate not one honorable member on either side of the House occupied his full time, although some of us spoke for an hour each. I plead with the Prime Minister now not to fix any time-limit. He must see that there has been no attempt to "stone-wall" the measure. Several honorable members have had to curtail their addresses, while others who came prepared to speak to the motion for the second reading of the Bill have been unable to do so. We have been told that the honorable member for Fawkner (Mr. Maxwell) was anxious to deal with a certain phase of the Bill, and although I disagree with his political views, I should have been glad to hear him.

Mr. WEST.—I have been left out.

Mr. TUDOR.—In common with many others. We have hanging over Australia to-day, like a great dark cloud, threatened trouble in the coal-mining industry, and unless something is done to prevent it every other industry in the Commonwealth will be affected. The honorable member for Newcastle (Mr. Watkins), the centre of the coal-mining industry in New South Wales, waited anxiously for an opportunity to speak to the motion for the second reading of the Bill, but was not able to do so. We may disagree with the Government regarding certain aspects of this measure, but I appeal to the Prime Minister not to impose a time limit upon its discussion in Committee. The honorable member for Perth (Mr. Fowler) said that he will not again vote for this limitation of debate, since in this case the fixing of a time limit had prevented him and others from giving expression to their views upon the Bill.

Mr. BLAKELEY (Darling) [3.46].—Only one honorable member of our party has declared himself wholly opposed to the measure. Every other member of our party is genuinely anxious that co-determined effort shall be made so to amend it in Committee as to make it acceptable to all parties, and so lead to an improved industrial situation. I am satisfied, however, that unless we be given more time to deal with the Bill in Committee we shall be unable to discuss many important amendments that we are anxious to make. There has been no attempt to "stone-wall" the Bill, and there is really no reason why anything of the kind should be attempted. We are very anxious so to amend the Bill as to make it acceptable to the organizations that we represent. As it stands it is not acceptable to them, and I therefore join in the appeal to the Prime Minister to grant a full opportunity for its discussion.

Mr. FLEMING (Robertson) [3.47].—I have not yet discussed the Bill, but representing as I do a part of Australia in which considerable coal mining is carried on, I desire to add my representations to those which have already been made as to the wisdom of allowing the fullest opportunity for its discussion. No more important measure could be brought before us at the present time. Every honorable member who comes into contact with

miners and others engaged in the coal industry knows that there is grave unrest among the miners, and there would not be such unrest if there were no cause for it. I urge the Government to give serious consideration to the representations that have been made to them during the last few minutes, and to determine that ample time shall be allotted for the full discussion of the Bill in Committee, so that we may arrive at decisions that will avoid the threatened disaster which it has been truly said is hanging over our heads.

Mr. CHARLTON (Hunter) [3.48].—I urge the Prime Minister to reconsider his decision. This is essentially a Committee measure, and we shall need to give it very careful consideration if we are to make it acceptable to all parties. There is no party feeling in this matter, nor has there been any desire to obstruct the Bill. We are anxious that it shall be dealt with as quickly as possible. The Prime Minister asks us to adjourn early on Wednesday evening, in order that we may very properly do honour to the Governor-General, who is about to leave Australia. But what would be our position if, after adjourning for such a purpose, the Government applied the "gag," with the result that we were unable to deal with several important parts of the Bill which the people expect us to carefully consider. It would be said of us, "You could find time to attend a dinner to the Governor-General, but you could not give time to the proper consideration of an all-important measure." I appeal to the Prime Minister to take a broad view of this matter. If he does so, and discovers any attempt to obstruct the passing of the Bill, he will be able to use the forms of the House to put an end to that obstruction. I think my leader will allow me to say, on behalf of our party, that there will be no undue obstruction of the Bill.

Mr. TUDOR.—Hear, hear!

Mr. CHARLTON.—We shall put before the Committee amendments which we think are virtually necessary, and if the Prime Minister can see his way to accept them, the discussion will be so reduced that the Committee stage may be completed before Friday. If he cannot see eye to eye with us, however, we shall have to assert ourselves and do our best, in the circumstances, to improve the Bill. The Prime Minister will be acting in his

own interests as well as in the interests of the country and all concerned by agreeing to our request.

Sir ROBERT BEST (Kooyong) [3.50].—I join in the request that has been made by several of my honorable friends that further time be given for the legitimate discussion of the Bill in Committee. I have always felt the keenest interest in the subject of the settlement of economic disputes between employers and employees, and now that an opportunity is given the House to deal with that question in the light of our sorry experience, the Government is entitled to the very best efforts that can be put forward from all sides to perfect the Bill. The position would be wholly different if there were any attempt at obstruction. I have not had an opportunity to discuss the Bill, and many other honorable members are in the same position. It is in Committee that the real work attaching to the consideration of the Bill will be done. We are likely to have there the advantage of many valuable suggestions from those who are specially fitted to speak on the subject, and I think, therefore that the fullest opportunity for its discussion should be afforded. Honorable members generally are animated by a desire to put an end to the disastrous condition of affairs associated with industrial unrest, and if we join together with that object in view, the best results will ensue. I therefore put it to the Prime Minister that if he finds, as I am sure he will, no attempt to indulge in anything but a legitimate discussion of the Bill, the House is entitled to that legitimate discussion, and the best interests of the country will be served by permitting it.

Mr. RILEY (South Sydney) [3.52].—The Prime Minister is placing us under an obligation to attend a dinner which the Government propose giving in honour of the Governor-General. I should like very much to attend it, but if sufficient time is not afforded us to discuss the Bill in Committee, we shall have cast upon us the stigma of being prepared to devote an evening to a dinner, although not ready to devote our best energies to the moulding of a satisfactory measure. If we are not allowed in Committee time to fully discuss the details of the Bill, I shall feel in duty bound to refrain from attending the dinner.

Mr. WATKINS (Newcastle) [3.53].—I support the appeal for additional time to consider the Bill in Committee. In the interests of all parties an extension should be granted. There was no attempt at "stone-walling" during the second reading debate, and the time allowed was so restricted that a number of honorable members, although anxious, were unable to speak to the question. The time fixed for the consideration of the Bill in Committee will not afford an opportunity for its reasonable discussion clause by clause, to say nothing of the amendments of which notice has been given. I therefore urge the Prime Minister to grant the request that has been made.

Mr. AUSTIN CHAPMAN (Eden-Monaro) [3.54].—I also am in favor of further time being allowed for the consideration of the Bill in Committee, if for no other reason than that given by the honorable member for Hunter (Mr. Charlton). If by want of action on our part a strike in the coal-mining industry is precipitated we shall be deserving of blame. There has been no obstruction to the Bill, and I hope that a full opportunity for its consideration in Committee will be given.

Mr. HUGHES (Bendigo—Prime Minister and Attorney-General) [3.55].—A man would need to be a thing of stone to resist the appeals that have been made to one's emotions and reason. I quite understand that honorable members generally appreciate the importance of this measure. I admit that there has been no obstruction, and that every honorable member has done his best to discuss the Bill upon its merits. But I would remind honorable members that the real reason for the urgency of this Bill was a request from the coal miners for a tribunal. Otherwise, it would not have been introduced at this juncture. We have been told that industrial unrest is growing, that it is like some volcano which is menacing and rumbling, and which will shortly burst forth into active eruption. I am sure that honorable members do not desire to deliberate, and deliberate, and deliberate, so that at the very moment when we require to be possessed of an effective remedy for the evil, none will be at hand. There was never a time in the history of this country when such remedies as are possible in a civilized community to deal with industrial unrest, were more

needed than they are to-day. It is admitted that the existing machinery is inadequate. Nobody has denied that. One of the parties to the industrial dispute which is impending, absolutely declines to go to the Arbitration Court. I am not going to defend its action. I am merely stating the facts. Honorable members have asked me to agree to further time being devoted to the consideration of this measure. My honorable friends opposite say that a great obligation is imposed upon them in dealing with this Bill; but their obligation is no greater than that which is imposed on honorable members upon this side of the chamber. Whilst the ranks of organized Labour see in this measure something which they do not understand, and which, consequently, they fear, so, too, the ranks of organized capital also see in it something which is new, and which they do not understand, and consequently they also fear it. I hope that in Committee honorable members will recollect that the possibilities of useful amendments to this Bill are very few. The measure is one which is primarily designed to bring the rival parties to any industrial dispute together. Any amendment which will have the effect of bringing them together more effectively will necessarily be a good one; whilst any amendment which prevents them coming together will be a bad one. When we come to deal with industrial dispute, apart from the stand-point of philosophy, we find that the trouble is a very simple one. Industrial quarrels are just quarrels between conflicting interests, or between rival sections, and we have to try to settle them. Now there are various ways of settling quarrels. Some of these I do not attempt myself, but refer to some of my honorable friends' opposite, whose physique is more fitted to that kind of business than is my own. These are appeals to force with which I have nothing to do. This Bill provides machinery for conciliation, and opportunities for the voice of reason to be heard. However, I will give the House this assurance: that if at half-past 3 o'clock on Friday next we have not exhausted the possibilities of useful discussion in regard to this Bill, we will go on until we have done so.

Mr. CHARLTON.—That is not the point. The discussion may finish by the time indicated by the Prime Minister on Friday. But suppose that we are discussing an amendment of great importance

when the time allotted for the consideration of a particular section of the Bill expires, what will become of our arguments?

Mr. HUGHES.—Of course, all things are born out of the womb of time. We are not here for eternity.

Mr. CHARLTON.—We shall complete the consideration of the Bill just as quickly if the Prime Minister will allow free discussion upon it.

Mr. HUGHES.—The miners have asked for this measure. Now, instead of coming out like men and saying "This is what we wanted," they recognise that if they get it they will not be able to strike. That is the view of one of their number—

Mr. CHARLTON.—The right honorable gentleman is entirely wrong. He is prejudiced upon the matter.

Mr. HUGHES.—I say that it is so.

Mr. CHARLTON.—If the right honorable gentleman will give us a reasonable time to discuss the measure, probably he will get a settlement of the coal-mining trouble.

Mr. HUGHES.—I do not know whether that is so or not. I hope that it is. I have said that honorable members will be granted a reasonable time for the consideration of the Bill. But obviously the measure must become law in time for it to become of some use in the threatened trouble. The next stage in the consideration of the Bill will take us up to Part III. I do not know why honorable members desire such a long time to discuss this part of the measure, since it deals only with the powers of the proposed Councils, which are of an advisory character, pure and simple. The part of the Bill which has relation to industrial unrest as an impending and menacing force, is Part IV., which deals with special and local tribunals.

Mr. TUDOR.—Before we reach that, we shall have dealt with the definitions, which are all-important.

Mr. HUGHES.—Definitions! Honorable members may have any definition that they like. We are not going to waste time over words. My honorable friends

opposite are always thinking that somewhere in Government measures there is a catch, although they cannot actually see it. But I have taken the definition which is embodied in this Bill *holus bolus* from the Arbitration Act 1911. It was inserted there at my instance, when I was Attorney-General in the Fisher Government, and its insertion was greeted with loud applause from the ranks of Tuscany. It was good enough for my honorable friends then; it ought to be good enough for them now. Instead, however, it evokes only hostile criticism. My honorable friends opposite want organized labour to be recognised. I have told the honorable member for Dalley (Mr. Mahony) that it will be recognised.

Mr. BRENNAN.—I have had enough of this.

Mr. HUGHES.—I do not know whether the honorable member for Daman (Mr. Brennan) was a member of the Labour party at the time of which I am speaking. But I introduced the definition in question only after it had received mature consideration in the Labour Caucus. It was inserted in the Arbitration Act 1911, and it certainly carried us a very long way. I challenge honorable members to cite me a single case that has come before the Arbitration Court during the past six or seven years to which any body but organized labour has been a party.

Mr. BLAKELEY.—Under the Arbitration Act only organizations can get to the Court; but the Bill allows both persons and organizations to get to the tribunals for which it provides.

Mr. HUGHES.—I am willing to make the provisions of the Bill conform exactly with those of the Act in that respect. If honorable members will take my advice, they will, since we are likely to come to an agreement on definitions, spend very little time on its discussion as far as Part III., and devote the rest of the time available to the remaining clauses.

Mr. CHARLTON.—If the honorable member is disposed to meet the Committee, as he says he is, the Bill may go through in one day. My contention is that there should be no limitation of discussion in regard to its various parts.

Mr. HUGHES.—The Committee will find that I shall not burke debate. No doubt, honorable members on both sides are trying to do their best with a difficult problem, and that being so, I shall not stop the discussion of it.

Question resolved in the affirmative.

SUPPLY BILL (No. 2) 1920-21.

Assent reported.

AUSTRALIAN TRADE COMMISSIONERS.

Message received from the Senate requesting the concurrence of the House in the following resolution:—

That this Senate is of opinion that Australian Trade Commissioners should be appointed in various centres of the world where their presence is likely to be of benefit to Australian export trade.

PAPER.

The following paper was presented:—

Public Service Act—Promotion of R. A. Fetherston, Department of Works and Railways.

ADJOURNMENT.

MEDICAL EMERGENCY OUTFIT.

Motion (by Mr. HUGHES) proposed—
That the House do now adjourn.

Dr. MALONEY (Melbourne) [4.8].—
While thanking you, Mr. Deputy Speaker, for your courtesy in giving the instruction that the honorable member for Nepean (Mr. Bowden) should have every attention, I desire to bring under your notice, and under that of the House, a suggestion that I have made previously, namely, that there should be a cabinet provided with remedies for use in case of sickness or accident in the building. I made the same proposal when the late Sir Frederick Holder and again when the late Mr. Roberts were taken. I should like you—or, if it is not within your province, whatever Minister should be applied to—to ask the Defence Department for a field companion or haversack, which would contain everything needed for prompt assistance in case of illness.

Mr. DEPUTY SPEAKER.—The request is a reasonable one, and I shall communicate with the Defence Department regarding it.

Question resolved in the affirmative.

House adjourned at 4.10 p.m.

Members of the House of Representatives.

Speaker—The Honorable Sir Elliot Johnson, K.C.M.G.

Chairman of Committees—The Honorable John Moore Chanter.

Anstey, Frank ..	Bourke (V.)	Johnson, Hon. Sir Elliot, Lang (N.S.W.)
³ Atkinson, Llewelyn ..	Wilmot (T.)	K.C.M.G.
Bamford, Hon. Frederick ..	Herbert (Q.)	Jowett, Edmund ..
William		Grampians (V.)
Bayley, James Garfield ..	Oxley (Q.)	⁵ Kerby, Edwin Thomas ..
Bell, George John, C.M.G. ..	Darwin (T.)	Ballarat (V.)
Best, Hon. Sir Robert ..	Koooyong (V.)	John
Wallace, K.C.M.G.		Lamond, Hector ..
Blakeley, Arthur ..	Darling (N.S.W.)	Ilawarra (N.S.W.)
Blundell, Reginald Pole ..	Adelaide (S.A.)	Lavelle, Thomas James ..
Bowden Eric Kendall ..	Nepean (N.S.W.)	Calare (N.S.W.)
Brennan, Frank ..	Batman (V.)	Lazzarini, Hubert Peter ..
Bruce, Stanley Melbourne ..	Flinders (V.)	Werriwa (N.S.W.)
Burchell, Reginald John ..	Fremantle (W.A.)	Lister, John Henry ..
Cameron, Donald Charles, ..	Brisbane (Q.)	Corio (V.)
C.M.G.		Livingston, John ..
Catts, James Howard ..	Cook (N.S.W.)	Barker (S.A.)
Chanter, Hon. John Moore ..	Riverina (N.S.W.)	Mackay, George Hugh ..
Chapman, Hon Austin ..	Eden-Monaro	Lilley (Q.)
	(N.S.W.)	Mahon Hon Hugh ..
³ Charlton, Matthew † ..	Hunter (N.S.W.)	Kalgoorlie (W.A.)
⁴ Considine, Michael Patrick ..	Barrier (N.S.W.)	Mahony, William George ..
Cook, Right Hon. Sir ..	Parramatta (N.S.W.)	Da ley (N.S.W.)
Joseph, P.C., G.C.M.G.		Makin, Norman John ..
Cook, Robert ..	Indi (V.)	Hindmarsh (S.A.)
Corser, Edward Bernard ..	Wide Bay (Q.)	Oswald
Cresset		Maloney, William ..
Cunningham, Lucien ..	Gwydir (N.S.W.)	Melbourne (V.)
Lawrence		Marks, Walter Moffitt ..
Fenton, James Edward ..	Maribyrnong (V.)	Wentworth (N.S.W.)
⁵ Fleming, William Mont- ..	Robertson (N.S.W.)	Marr, Charles William ..
gomerie		Parkes (N.S.W.)
Foster, Hon. Richard ..	Wakefield (S.A.)	Clanan
Witty		Mathews, James ..
² Fowler, Hon. James ..	Perth (W.A.)	Meibourne Ports (V.)
Mackinnon		Maxwell, George Arnot ..
Francis, Frederick Henry ..	Henty (V.)	Fawkner (V.)
Gabb, Joel Moses ..	Angas (S.A.)	¹ McDonald, Hon. Charles ..
Gibson, William Gerrard ..	Corangamite (V.)	Kennedy (Q.)
Greene, Hon. Walter ..	Richmond (N.S.W.)	⁶ McGrath, David Charles ..
Massy		Ballarat (V.)
Gregory, Hon. Henry ..	Dampier (W.A.)	McWilliams, William James ..
Groom, Hon. Littleton ..	Darling Downs (Q.)	Franklin (T.)
Ernest		Moloney, Parker John ..
Hay, Alexander ..	New England	Hume (N.S.W.)
	(N.S.W.)	Nicholls, Samuel Robert ..
Higgs, Hon. William Guy ..	Capricornia (Q.)	Macquarie (N.S.W.)
Hill, William Caldwell ..	Echuca (V.)	Page, Earle Christmas ..
Hughes, Right Hon. ..	Bendigo (V.)	Cowper (N.S.W.)
William Morris, P.C.,		Grafton
K.C.		Page, Hon. James ..
Jackson, David Sydney ..	Bass (T.)	Maranoa (Q.)
		Poynton, Hon. Alexander ..
		Grey (S.A.)
		Prowse, John Henry ..
		Swan (W.A.)
		Riley, Edward ..
		South Sydney
		(N.S.W.)
		Rodgers, Hon Arthur Stan- ..
		Wannon (V.)
		islaus
		Ryan, Hon. Thomas ..
		West Sydney
		Joseph, K.C.
		(N.S.W.)
		Ryrie, Sir Granville de ..
		North Sydney
		Laune, K.C.M.G., C.B. ..
		(N.S.W.)
		Smith, Hon. William ..
		Denison (T.)
		Henry Laird
		Stewart, Percy Gerald ..
		Wimmera (V.)
		Story, William Harrison ..
		Boothby (S.A.)
		Tudor, Hon. Frank Gwynne ..
		Yarra (V.)
		³ Watkins, Hon. David ..
		Newcastle (N.S.W.)
		Watt, Right Hon. William ..
		Balaclava (V.)
		Alexander, P.C.
		West, John Edward ..
		East Sydney
		(N.S.W.)
		Wienholt, Arnold ..
		Moreton (Q.)
		Wise, Hon. George Henry ..
		Gippsland (V.)

1. Sworn 27th February, 1920. — 2. Sworn 3rd March, 1920. — 3. Appointed Temporary Chairman of Committees, 4th March 1920. — 4. Made affirmation, 5th March, 1920. — 5. Election declared void, 2nd June, 1920. — 6. Elected 10th July, 1920. — Sworn 21st July, 1920.

HEADS OF DEPARTMENTS.

Senate.—G. G. Duffy, C.M.G.

House of Representatives.—W. A. Gale, C.M.G.

Parliamentary Reporting Staff.—B. H. Friend, I.S.O.

Library.—A. Wadsworth.

Joint House Committee.—G. H. Monahan



3 0112 115348366

The weekly issues of Parliamentary Debates are supplied gratuitously, on application, for use in Public Libraries, and also in Schools of Arts, Mechanics' Institutes, Debating Societies (having not less than fifty members), and similar institutions.

Applications on behalf of the above-mentioned institutions should be addressed to the Honorable the President or the Honorable the Speaker.

Subscriptions should be sent to the Government Printer, Melbourne.

B. HARRY FRIEND,
Principal Parliamentary Reporter.

COMMITTEES.

SENATE.

DISPUTED RETURNS AND QUALIFICATIONS.—Senator Fairbairn, Senator Gardiner, Senator Sir T. W. Glasgow, Senator Keating, Senator Lynch, Senator Pratten, and Senator Senior.

STANDING ORDERS.—The President, the Chairman of Committees, Senator de Largie, Senator Duncan, Senator Earle, Senator Elliott, Senator Foll, Senator Gardiner, Senator R. S. Guthrie, and Senator Lynch.

LIBRARY.—The President, Senator Benny, Senator Bolton, Senator de Largie, Senator Gardiner, Senator Keating, and Senator Pratten.

HOUSE.—The President, the Chairman of Committees, Senator Buzacott, Senator J. F. Guthrie, Senator Rowell, Senator Thomas, and Senator Wilson.

PRINTING.—Senator Adamson, Senator Cox, Senator J. D. Millen, Senator Newland, Senator Plain, Senator Reid, and Senator Senior.

PUBLIC ACCOUNTS COMMITTEE (JOINT).—Senator Bolton, Senator Buzacott, and Senator J. D. Millen.

PUBLIC WORKS (JOINT).—Senator Foll, Senator Newland, Senator Plain.

HOUSE OF REPRESENTATIVES.

STANDING ORDERS.—Mr. Speaker, the Prime Minister, the Chairman of Committees, Mr. Atkinson, Mr. Charlton, Mr. Fowler, and Mr. Tudor.

LIBRARY.—Mr. Speaker, Mr. Anstey, Mr. Fleming, Mr. Fowler, Mr. Higgs, Mr. Lamond, Mr. Mackay, Mr. Maxwell, Dr. Maloney, and Mr. McDonald.

HOUSE.—Mr. Speaker, Mr. R. W. Foster, Mr. Gregory, Mr. Livingston, Mr. Mathews, Mr. James Page, Mr. Rodgers, and Mr. Watkins.

PRINTING.—Mr. Bamford, Mr. Bowden, Mr. Corser, Mr. Fenton, Mr. McWilliams, Mr. Riley, and Mr. West.

PUBLIC ACCOUNTS (JOINT).—Mr. Bayley, Mr. Charlton, Mr. Fenton, Mr. Fleming, Mr. Fowler, Mr. Prowse, and Mr. West.

PUBLIC WORKS (JOINT).—Mr. Atkinson, Mr. Bamford, Mr. Gregory, Mr. Mackay, Mr. Mathews, and Mr. Parker Moloney.

SEA CARRIAGE: SELECT COMMITTEE.—Mr. Atkinson, Mr. Burchell, Mr. Corser, Mr. Foster, Mr. Mahony, Mr. McWilliams, and Mr. Watkins.